

106TH CONGRESS
1ST SESSION

H. R. 2037

To combat youth violence and to protect children from violent crime.

IN THE HOUSE OF REPRESENTATIVES

JUNE 8, 1999

Mr. MCCOLLUM (for himself and Mr. HYDE) introduced the following bill;
which was referred to the Committee on the Judiciary

A BILL

To combat youth violence and to protect children from violent
crime.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Child Safety and
5 Youth Violence Prevention Act of 1999”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents of this bill is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

TITLE I—JUVENILE JUSTICE REFORM

Sec. 101. Delinquency proceedings or criminal prosecutions in district courts.

Sec. 102. Custody prior to appearance before judicial officer.

Sec. 103. Technical and conforming amendments to section 5034.

Sec. 104. Detention prior to disposition or sentencing.

- Sec. 105. Speedy trial.
- Sec. 106. Disposition; availability of increased detention, fines and supervised release for juvenile offenders.
- Sec. 107. Juvenile records and fingerprinting.
- Sec. 108. Technical amendments of sections 5031 and 5034.
- Sec. 109. Clerical amendments to table of sections for chapter 403.

TITLE II—EFFECTIVE ENFORCEMENT OF FEDERAL FIREARMS LAWS

- Sec. 201. Armed criminal apprehension program.
- Sec. 202. Annual reports.
- Sec. 203. Authorization of appropriations.
- Sec. 204. Cross-designation of Federal prosecutors.

TITLE III—LIMITING JUVENILE ACCESS TO FIREARMS AND EXPLOSIVES

- Sec. 301. Gun storage and safety devices for firearms.
- Sec. 302. Increased penalties for unlawful juvenile possession of firearms.
- Sec. 303. Increased penalties and mandatory minimum sentence for unlawful transfer of firearm to juvenile.
- Sec. 304. Prohibiting juveniles from possessing assault weapons.
- Sec. 305. Responsibility of adults for death and injury caused by child access to firearms.
- Sec. 306. Prohibiting possession of explosives by juveniles and young adults.

TITLE IV—PREVENTING CRIMINAL ACCESS TO FIREARMS AND EXPLOSIVES

- Sec. 401. Mandatory background checks at gun shows.
- Sec. 402. Instant check gun tax and gun owner privacy.
- Sec. 403. Prohibition on firearms possession by violent juvenile offenders.
- Sec. 404. Criminal prohibition on distribution of certain information relating to explosives, destructive devices, and weapons of mass destruction.
- Sec. 405. Requiring thefts from common carriers to be reported.
- Sec. 406. Voluntary submission of dealer's records.
- Sec. 407. Grant program for juvenile records.

TITLE V—PUNISHING AND DETERRING CRIMINAL USE OF FIREARMS AND EXPLOSIVES

- Sec. 501. Mandatory minimum sentence for discharging a firearm in a school zone.
- Sec. 502. Apprehension and procedural treatment of armed violent criminals.
- Sec. 503. Increased penalties for possessing or transferring stolen firearms.
- Sec. 504. Increased mandatory minimum penalties for using a firearm to commit a crime of violence or drug trafficking crime.
- Sec. 505. Increased penalties for misrepresented firearms purchase in aid of a serious violent felony.
- Sec. 506. Increasing penalties on gun kingpins.
- Sec. 507. Serious recordkeeping offenses that aid gun trafficking.
- Sec. 508. Termination of firearms dealer's license upon felony conviction.
- Sec. 509. Increased penalty for transactions involving firearms with obliterated serial numbers.
- Sec. 510. Forfeiture for gun trafficking.

Sec. 601. Increased mandatory minimum penalties for using minors to distribute drugs.

Sec. 602. Increased mandatory minimum penalties for distributing drugs to minors.

Sec. 603. Increased mandatory minimum penalties for drug trafficking in or near a school or other protected location.

Sec. 604. Criminal street gangs.

Sec. 605. Increase in offense level for participation in crime as a gang member.

Sec. 606. Interstate and foreign travel or transportation in aid of criminal gangs.

Sec. 607. Gang-related witness intimidation and retaliation.

5 Section 5032 of title 18, United States Code, is
6 amended to read as follows:

9 “(a)(1) A juvenile alleged to have committed an of-
10 fense against the United States or an act of juvenile delin-
11 quency may be surrendered to State or Indian tribal au-
12 thorities, but if not so surrendered, shall be proceeded
13 against as a juvenile under this subsection or tried as an
14 adult in the circumstances described in subsections (b)
15 and (c).

1 “(2) A juvenile may be proceeded against as a juve-
2 nile in a court of the United States under this subsection
3 if—

4 “(A) the alleged offense or act of juvenile delin-
5 quency is committed within the special maritime and
6 territorial jurisdiction of the United States and is
7 one for which the maximum authorized term of im-
8 prisonment does not exceed 6 months; or

9 “(B) the Attorney General, after investigation,
10 certifies to the appropriate United States district
11 court that—

12 “(i) the juvenile court or other appropriate
13 court of a State or Indian tribe does not have
14 jurisdiction or declines to assume jurisdiction
15 over the juvenile with respect to the alleged act
16 of juvenile delinquency, or

17 “(ii) there is a substantial Federal interest
18 in the case or the offense to warrant the exer-
19 cise of Federal jurisdiction.

20 “(3) If the Attorney General does not so certify or
21 does not have authority to try such juvenile as an adult,
22 such juvenile shall be surrendered to the appropriate legal
23 authorities of such State or tribe.

24 “(4) If a juvenile alleged to have committed an act
25 of juvenile delinquency is proceeded against as a juvenile

1 under this section, any proceedings against the juvenile
2 shall be in an appropriate district court of the United
3 States. For such purposes, the court may be convened at
4 any time and place within the district, and shall be open
5 to the public, except that the court may exclude all or
6 some members of the public, other than a victim unless
7 the victim is a witness in the determination of guilt or
8 innocence, if required by the interests of justice or if other
9 good cause is shown. The Attorney General shall proceed
10 by information or as authorized by section 3401(g) of this
11 title, and no criminal prosecution shall be instituted except
12 as provided in this chapter.

13 “(b)(1) Except as provided in paragraph (2), a juve-
14 nile shall be prosecuted as an adult—

15 “(A) if the juvenile has requested in writing
16 upon advice of counsel to be prosecuted as an adult;
17 or

18 “(B) if the juvenile is alleged to have committed
19 an act after the juvenile attains the age of 14 years
20 which if committed by an adult would be a serious
21 violent felony or a serious drug offense described in
22 section 3559(c) of this title, or a conspiracy or at-
23 tempt to commit that felony or offense, which is
24 punishable under section 406 of the Controlled Sub-
25 stances Act (21 U.S.C. 846), or section 1013 of the

1 Controlled Substances Import and Export Act (21
2 U.S.C. 963).

3 “(2) The requirements of paragraph (1) do not apply
4 if the Attorney General certifies to the appropriate United
5 States district court that the interests of public safety are
6 best served by proceeding against the juvenile as a juve-
7 nile.

8 “(c)(1) A juvenile may also be prosecuted as an adult
9 if the juvenile is alleged to have committed an act after
10 the juvenile has attained the age of 13 years which if com-
11 mitted by a juvenile after the juvenile attained the age
12 of 14 years would require that the juvenile be prosecuted
13 as an adult under subsection (b), upon approval of the
14 Attorney General.

15 “(2) The Attorney General shall not delegate the au-
16 thority to give the approval required under paragraph (1)
17 to an officer or employee of the Department of Justice
18 at a level lower than a Deputy Assistant Attorney General.

19 “(3) Such approval shall not be granted, with respect
20 to a juvenile who has not attained the age of 14 and who
21 is subject to the criminal jurisdiction of an Indian tribal
22 government and who is alleged to have committed an act
23 over which, if committed by an adult, there would be Fed-
24 eral jurisdiction based solely on its commission in Indian
25 country (as defined in section 1151), unless the governing

1 body of the tribe having jurisdiction over the place in
2 which the alleged act was committed has before such act
3 notified the Attorney General in writing of its election that
4 prosecution may take place under this subsection.

5 “(4) A juvenile may also be prosecuted as an adult
6 if the juvenile is alleged to have committed an act which
7 is not described in subsection (b)(1)(B) after the juvenile
8 has attained the age of 14 years and which if committed
9 by an adult would be—

10 “(A) a crime of violence (as defined in sec-
11 tion 3156(a)(4)) that is a felony;

12 “(B) an offense described in section
13 844(d), (k), or (l), or subsection (a)(4) or (6),
14 (b), (g), (h), (j), (k), or (l) of section 924;

15 “(C) a violation of section 922(o) that is
16 an offense under section 924(a)(2);

17 “(D) a violation of section 5861 of the In-
18 ternal Revenue Code of 1986 that is an offense
19 under section 5871 of such Code (26 U.S.C.
20 5871);

21 “(E) a conspiracy to commit an offense de-
22 scribed in any of subparagraphs (A) through
23 (D); or

24 “(F) an offense described in section 401 or
25 408 of the Controlled Substances Act (21

1 U.S.C. 841, 848) or a conspiracy or attempt to
2 commit that offense which is punishable under
3 section 406 of the Controlled Substances Act
4 (21 U.S.C. 846), or an offense punishable
5 under section 409 or 419 of the Controlled Sub-
6 stances Act (21 U.S.C. 849, 860), or an offense
7 described in section 1002, 1003, 1005, or 1009
8 of the Controlled Substances Import and Ex-
9 port Act (21 U.S.C. 952, 953, 955, or 959), or
10 a conspiracy or attempt to commit that offense
11 which is punishable under section 1013 of the
12 Controlled Substances Import and Export Act
13 (21 U.S.C. 963).

14 “(d) A determination to approve or not to approve,
15 or to institute or not to institute, a prosecution under sub-
16 section (b) or (c), and a determination to file or not to
17 file, and the contents of, a certification under subsection
18 (a) or (b) shall not be reviewable in any court.

19 “(e) In a prosecution under subsection (b) or (c), the
20 juvenile may be prosecuted and convicted as an adult for
21 any other offense which is properly joined under the Fed-
22 eral Rules of Criminal Procedure, and may also be con-
23 victed of a lesser included offense.

24 “(f) The Attorney General shall annually report to
25 Congress—

1 “(1) the number of juveniles adjudicated delin-
2 quent or tried as adults in Federal court;

3 “(2) the race, ethnicity, and gender of those ju-
4 veniles;

5 “(3) the number of those juveniles who were
6 abused or neglected by their families, to the extent
7 such information is available; and

8 “(4) the number and types of assault crimes,
9 such as rapes and beatings, committed against juve-
10 niles while incarcerated in connection with the adju-
11 dication or conviction.

12 “(g) As used in this section—

13 “(1) the term ‘State’ includes a State of the
14 United States, the District of Columbia, any com-
15 monwealth, territory, or possession of the United
16 States and, with regard to an act of juvenile delin-
17 quency that would have been a misdemeanor if com-
18 mitted by an adult, a federally recognized tribe; and

19 “(2) the term ‘serious violent felony’ has the
20 same meaning given that term in section
21 3559(c)(2)(F)(i).”.

22 **SEC. 102. CUSTODY PRIOR TO APPEARANCE BEFORE JUDI-**
23 **CIAL OFFICER.**

24 Section 5033 of title 18, United States Code, is
25 amended to read as follows:

1 **“§ 5033. Custody prior to appearance before judicial**
 2 **officer**

3 “(a) Whenever a juvenile is taken into custody, the
 4 arresting officer shall immediately advise such juvenile of
 5 the juvenile’s rights, in language comprehensible to a juve-
 6 nile. The arresting officer shall promptly take reasonable
 7 steps to notify the juvenile’s parents, guardian, or custo-
 8 dian of such custody, of the rights of the juvenile, and
 9 of the nature of the alleged offense.

10 “(b) The juvenile shall be taken before a judicial offi-
 11 cer without unreasonable delay.”.

12 **SEC. 103. TECHNICAL AND CONFORMING AMENDMENTS TO**
 13 **SECTION 5034.**

14 Section 5034 of title 18, United States Code, is
 15 amended—

16 (1) by striking “The” each place it appears at
 17 the beginning of a paragraph and inserting “the”;

18 (2) by striking “If” at the beginning of the 3rd
 19 paragraph and inserting “if”;

20 (3)(A) by designating the 3 paragraphs as
 21 paragraphs (1), (2), and (3), respectively; and

22 (B) by moving such designated paragraphs 2
 23 ems to the right; and

24 (4) by inserting at the beginning of such section
 25 before those paragraphs the following:

26 “In a proceeding under section 5032(a)—”.

1 **SEC. 104. DETENTION PRIOR TO DISPOSITION OR SEN-**
2 **TENCING.**

3 Section 5035 of title 18, United States Code, is
4 amended to read as follows:

5 **“§ 5035. Detention prior to disposition or sentencing**

6 “(a) A juvenile alleged to be delinquent or a juvenile
7 being prosecuted as an adult, if detained at any time prior
8 to sentencing, shall be detained in such suitable place as
9 the Attorney General may designate. Whenever appro-
10 priate, detention shall be in a foster home or community
11 based facility. Preference shall be given to a place located
12 within, or within a reasonable distance of, the district in
13 which the juvenile is being prosecuted.

14 “(b) To the maximum extent feasible, a juvenile pros-
15 ecuted pursuant to subsection (b) or (c) of section 5032
16 shall not be detained prior to sentencing in any facility
17 in which the juvenile has regular contact with adult per-
18 sons convicted of a crime or awaiting trial on criminal
19 charges.

20 “(c) A juvenile who is proceeded against under sec-
21 tion 5032(a) shall not be detained prior to disposition in
22 any facility in which the juvenile has regular contact with
23 adult persons convicted of a crime or awaiting trial on
24 criminal charges.

25 “(d) Every juvenile who is detained prior to disposi-
26 tion or sentencing shall be provided with reasonable safety

1 and security and with adequate food, heat, light, sanitary
 2 facilities, bedding, clothing, recreation, education, and
 3 medical care, including necessary psychiatric, psycho-
 4 logical, or other care and treatment.”.

5 **SEC. 105. SPEEDY TRIAL.**

6 Section 5036 of title 18, United States Code, is
 7 amended by—

8 (1) striking “If an alleged delinquent” and in-
 9 serting “If a juvenile proceeded against under sec-
 10 tion 5032(a)”;

11 (2) striking “thirty” and inserting “45”; and

12 (3) striking “the court,” and all that follows
 13 through the end of the section and inserting “the
 14 court. The periods of exclusion under section
 15 3161(h) of this title shall apply to this section.”.

16 **SEC. 106. DISPOSITION; AVAILABILITY OF INCREASED DE-**
 17 **TENTION, FINES AND SUPERVISED RELEASE**
 18 **FOR JUVENILE OFFENDERS.**

19 (a) DISPOSITION.—Section 5037 of title 18, United
 20 States Code, is amended to read as follows:

21 **“§ 5037. Disposition**

22 “(a) In a proceeding under section 5032(a), if the
 23 court finds a juvenile to be a juvenile delinquent, the court
 24 shall hold a hearing concerning the appropriate disposition
 25 of the juvenile no later than 40 court days after the find-

1 ing of juvenile delinquency, unless the court has ordered
2 further study pursuant to subsection (e). A predisposition
3 report shall be prepared by the probation officer who shall
4 promptly provide a copy to the juvenile, the juvenile's
5 counsel, and the attorney for the Government. Victim im-
6 pact information shall be included in the report, and vic-
7 tims, or in appropriate cases their official representatives,
8 shall be provided the opportunity to make a statement to
9 the court in person or present any information in relation
10 to the disposition. After the dispositional hearing, and
11 after considering the sanctions recommended pursuant to
12 subsection (f), the court shall impose an appropriate sanc-
13 tion, including the ordering of restitution pursuant to sec-
14 tion 3556 of this title. The court may order the juvenile's
15 parent, guardian, or custodian to be present at the
16 dispositional hearing and the imposition of sanctions and
17 may issue orders directed to such parent, guardian, custo-
18 dian regarding conduct with respect to the juvenile. With
19 respect to release or detention pending an appeal or a peti-
20 tion for a writ of certiorari after disposition, the court
21 shall proceed pursuant to chapter 207.

22 “(b) The term for which probation may be ordered
23 for a juvenile found to be a juvenile delinquent may not
24 extend beyond the maximum term that would be author-
25 ized by section 3561(c) if the juvenile had been tried and

1 convicted as an adult. Sections 3563, 3564, and 3565 are
2 applicable to an order placing a juvenile on probation.

3 “(c) The term for which official detention may be or-
4 dered for a juvenile found to be a juvenile delinquent may
5 not extend beyond the lesser of—

6 “(1) the maximum term of imprisonment that
7 would be authorized if the juvenile had been tried
8 and convicted as an adult;

9 “(2) ten years; or

10 “(3) the date when the juvenile becomes twen-
11 ty-six years old.

12 Section 3624 is applicable to an order placing a juvenile
13 in detention.

14 “(d) The term for which supervised release may be
15 ordered for a juvenile found to be a juvenile delinquent
16 may not extend beyond 5 years. Subsections (c) through
17 (i) of section 3583 apply to an order placing a juvenile
18 on supervised release.

19 “(e) If the court desires more detailed information
20 concerning a juvenile alleged to have committed an act of
21 juvenile delinquency or a juvenile adjudicated delinquent,
22 it may commit the juvenile, after notice and hearing at
23 which the juvenile is represented by counsel, to the custody
24 of the Attorney General for observation and study by an
25 appropriate agency or entity. Such observation and study

1 shall be conducted on an outpatient basis, unless the court
2 determines that inpatient observation and study are nec-
3 essary to obtain the desired information. In the case of
4 an alleged juvenile delinquent, inpatient study may be or-
5 dered only with the consent of the juvenile and the juve-
6 nile’s attorney. The agency or entity shall make a study
7 of all matters relevant to the alleged or adjudicated delin-
8 quent behavior and the court’s inquiry. The Attorney Gen-
9 eral shall submit to the court and the attorneys for the
10 juvenile and the Government the results of the study with-
11 in 30 days after the commitment of the juvenile, unless
12 the court grants additional time. Time spent in custody
13 under this subsection shall be excluded for purposes of sec-
14 tion 5036.

15 “(f)(1) The United States Sentencing Commission, in
16 consultation with the Attorney General, shall develop a list
17 of possible sanctions for juveniles adjudicated delinquent.

18 “(2) Such list shall—

19 “(A) be comprehensive in nature and encom-
20 pass punishments of varying levels of severity;

21 “(B) include terms of confinement; and

22 “(C) provide punishments that escalate in se-
23 verity with each additional or subsequent more seri-
24 ous delinquent conduct.”.

1 (b) EFFECTIVE DATE.—The Sentencing Commission
 2 shall develop the list required pursuant to section 5037(f),
 3 as amended by subsection (a), not later than 180 days
 4 after the date of the enactment of this Act.

5 (c) CONFORMING AMENDMENT TO ADULT SEN-
 6 TENCING SECTION.—Section 3553 of title 18, United
 7 States Code, is amended by adding at the end the fol-
 8 lowing:

9 “(g) LIMITATION ON APPLICABILITY OF STATUTORY
 10 MINIMUMS IN CERTAIN PROSECUTIONS OF PERSONS
 11 UNDER THE AGE OF 16.—Notwithstanding any other pro-
 12 vision of law, in the case of a defendant convicted for con-
 13 duct that occurred before the juvenile attained the age of
 14 16 years, the court shall impose a sentence without regard
 15 to any statutory minimum sentence, if the court finds at
 16 sentencing, after affording the Government an opportunity
 17 to make a recommendation, that the juvenile has not been
 18 previously adjudicated delinquent for or convicted of an
 19 offense described in section 5032(b)(1)(B).”.

20 **SEC. 107. JUVENILE RECORDS AND FINGERPRINTING.**

21 Section 5038 of title 18, United States Code, is
 22 amended to read as follows:

23 **“§ 5038. Juvenile records and fingerprinting**

24 “(a)(1) Throughout and upon the completion of the
 25 juvenile delinquency proceeding under section 5032(a), the

1 court shall keep a record relating to the arrest and adju-
2 dication that is—

3 “(A) equivalent to the record that would be
4 kept of an adult arrest and conviction for such an
5 offense; and

6 “(B) retained for a period of time that is equal
7 to the period of time records are kept for adult con-
8 victions.

9 “(2) Such records shall be made available for official
10 purposes, including communications with any victim or, in
11 the case of a deceased victim, such victim’s representative,
12 or school officials, and to the public to the same extent
13 as court records regarding the criminal prosecutions of
14 adults are available.

15 “(b) The Attorney General shall establish guidelines
16 for fingerprinting and photographing a juvenile who is the
17 subject of any proceeding authorized under this chapter.
18 Such guidelines shall address the availability of pictures
19 of any juvenile taken into custody but not prosecuted as
20 an adult. Fingerprints and photographs of a juvenile who
21 is prosecuted as an adult shall be made available in the
22 manner applicable to adult offenders.

23 “(c) Whenever a juvenile has been adjudicated delin-
24 quent for an act that, if committed by an adult, would
25 be a felony or for a violation of section 924(a)(6), the

1 court shall transmit to the Federal Bureau of Investiga-
2 tion the information concerning the adjudication, includ-
3 ing name, date of adjudication, court, offenses, and sen-
4 tence, along with the notation that the matter was a juve-
5 nile adjudication.

6 “(d) In addition to any other authorization under this
7 section for the reporting, retention, disclosure, or avail-
8 ability of records or information, if the law of the State
9 in which a Federal juvenile delinquency proceeding takes
10 place permits or requires the reporting, retention, disclo-
11 sure, or availability of records or information relating to
12 a juvenile or to a juvenile delinquency proceeding or adju-
13 dication in certain circumstances, then such reporting, re-
14 tention, disclosure, or availability is permitted under this
15 section whenever the same circumstances exist.”.

16 **SEC. 108. TECHNICAL AMENDMENTS OF SECTIONS 5031 AND**
17 **5034.**

18 (a) ELIMINATION OF PRONOUNS.—Sections 5031
19 and 5034 of title 18, United States Code, are each amend-
20 ed by striking “his” each place it appears and inserting
21 “the juvenile’s”.

22 (b) UPDATING OF REFERENCE.—Section 5034 of
23 title 18, United States Code, is amended—

1 (1) in the heading of such section, by striking
 2 “**magistrate**” and inserting “**judicial officer**”;
 3 and

4 (2) by striking “magistrate” each place it ap-
 5 pears and inserting “judicial officer”.

6 **SEC. 109. CLERICAL AMENDMENTS TO TABLE OF SECTIONS**
 7 **FOR CHAPTER 403.**

8 The heading and the table of sections at the begin-
 9 ning of chapter 403 of title 18, United States Code, is
 10 amended to read as follows:

11 **“CHAPTER 403—JUVENILE DELINQUENCY**

“Sec.

“5031. Definitions.

“5032. Delinquency proceedings or criminal prosecutions in district courts.

“5033. Custody prior to appearance before judicial officer.

“5034. Duties of judicial officer.

“5035. Detention prior to disposition or sentencing.

“5036. Speedy trial.

“5037. Disposition.

“5038. Juvenile records and fingerprinting.

“5039. Commitment.

“5040. Support.

“5041. Repealed.

“5042. Revocation of probation.”.

12 **TITLE II—EFFECTIVE ENFORCE-**
 13 **MENT OF FEDERAL FIRE-**
 14 **ARMS LAWS**

15 **SEC. 201. ARMED CRIMINAL APPREHENSION PROGRAM.**

16 (a) IN GENERAL.—Not later than 90 days after the
 17 date of enactment of this Act, the Attorney General shall
 18 establish in the office of each United States Attorney a
 19 program that meets the requirements of subsections (b)

1 and (c). The program shall be known as the “Armed
2 Criminal Apprehension Program”.

3 (b) PROGRAM REQUIREMENTS.—In the office of each
4 United States Attorney, the program established under
5 subsection (a) shall—

6 (1) provide for coordination with State and
7 local law enforcement officials in the identification of
8 violations of Federal firearms laws;

9 (2) provide for the establishment of agreements
10 with State and local law enforcement officials for the
11 referral to the Bureau of Alcohol, Tobacco, and
12 Firearms and the United States Attorney for pros-
13 ecution of persons arrested for violations of chapter
14 44 of title 18, United States Code, or section
15 5861(d) or 5861(h) of the Internal Revenue Code of
16 1986, relating to firearms;

17 (3) require that the United States Attorney
18 designate not less than 1 Assistant United States
19 Attorney to prosecute violations of Federal firearms
20 laws;

21 (4) provide for the hiring of agents for the Bu-
22 reau of Alcohol, Tobacco, and Firearms to inves-
23 tigate violations of the provisions referred to in
24 paragraph (2); and

1 (5) ensure that each person referred to the
2 United States Attorney under paragraph (2) be
3 charged with a violation of the most serious Federal
4 firearm offense consistent with the act committed.

5 (c) PUBLIC EDUCATION CAMPAIGN.—As part of the
6 program, each United States Attorney shall carry out, in
7 cooperation with local civic, community, law enforcement,
8 and religious organizations, an extensive media and public
9 outreach campaign focused in high-crime areas to—

10 (1) educate the public about the severity of pen-
11 alties for violations of Federal firearms laws; and

12 (2) encourage law-abiding citizens to report the
13 possession of illegal firearms to authorities.

14 (d) WAIVER AUTHORITY.—

15 (1) REQUEST FOR WAIVER.—A United States
16 attorney may request the Attorney General to waive
17 the requirements of subsection (b) with respect to
18 the United States attorney.

19 (2) PROVISION OF WAIVER.—The Attorney
20 General may waive the requirements of subsection
21 (b) pursuant to a request made under paragraph
22 (1), in accordance with guidelines which shall be es-
23 tablished by the Attorney General. In establishing
24 the guidelines, the Attorney General shall take into
25 consideration the number of assistant United States

1 attorneys in the office of the United States attorney
2 making the request and the level of violent youth
3 crime committed in the district for which the United
4 States attorney is appointed.

5 **SEC. 202. ANNUAL REPORTS.**

6 Not later than 1 year after the date of enactment
7 of this Act, and annually thereafter, the Attorney General
8 shall submit to the Committees on the Judiciary of Senate
9 and House of Representatives a report containing the fol-
10 lowing information:

11 (1) The number of Assistant United States At-
12 torneys deisgnated under the program under section
13 201 and cross-deisgnated under section 204 during
14 the year preceding the year in which the report is
15 submitted in order to prosecute violations of Federal
16 firearms laws in Federal court.

17 (2) The number of individuals indicted for such
18 violations during that year by reason of the pro-
19 gram.

20 (3) The increase or decrease in the number of
21 individuals indicted for such violations during that
22 year by reason of the program when compared with
23 the year preceding that year.

1 (4) The number of individuals held without
2 bond in anticipation of prosecution by reason of the
3 program.

4 (5) The average length of prison sentence of the
5 individuals convicted of violations of Federal fire-
6 arms laws by reason of the program.

7 **SEC. 203. AUTHORIZATION OF APPROPRIATIONS.**

8 (a) AUTHORIZATION OF APPROPRIATIONS.—There
9 are authorized to be appropriated to carry out the pro-
10 gram under section 201 \$50,000,000 for fiscal year 2000,
11 of which—

12 (1) \$40,000,000 shall be used for salaries and
13 expenses of Assistant United States Attorneys and
14 Bureau of Alcohol, Tobacco, and Firearms agents;
15 and

16 (2) \$10,000,000 shall be available for the public
17 relations campaign required by subsection (c) of that
18 section.

19 (b) USE OF FUNDS.—

20 (1) The Assistant United States Attorneys
21 hired using amounts appropriated pursuant to the
22 authorization of appropriations in subsection (a)
23 shall prosecute violations of Federal firearms laws in
24 accordance with section 201(b)(3).

(3) It is the sense of Congress that amounts made available under this section for the public education campaign required by section 201(c) should, to the maximum extent practicable, be matched with State or local funds or private donations.

(c) AUTHORIZATION OF ADDITIONAL APPROPRIATIONS.—In addition to amounts made available under subsection (a), there is authorized to be appropriated to the Administrative Office of the United States Courts such sums as may be necessary to carry out this title.

18 SEC. 204. CROSS-DESIGNATION OF FEDERAL PROSECU-
19 TORS.

To better assist state and local law enforcement agencies in the investigation and prosecution of firearms offenses, each United States Attorney may cross-designate one or more Assistant United States Attorneys to prosecute firearms offenses under State law that are similar

1 to those listed in section 301(b)(2) in State and local
2 courts.

3 **TITLE III—LIMITING JUVENILE**
4 **ACCESS TO FIREARMS AND**
5 **EXPLOSIVES**

6 **SEC. 301. GUN STORAGE AND SAFETY DEVICES FOR FIRE-**
7 **ARMS.**

8 (a) UNLAWFUL ACTS.—

9 (1) MANDATORY TRANSFER OF SECURE GUN
10 STORAGE OR SAFETY DEVICE.—Section 922 of title
11 18, United States Code, is amended by inserting
12 after subsection (y) the following:

13 “(z)(1) Except as provided in paragraph (2), it shall
14 be unlawful for any licensed manufacturer, licensed im-
15 porter, or licensed dealer to sell, deliver, or transfer any
16 handgun to any person other than any person licensed
17 under the provisions of this chapter, unless the licensee
18 provides the transferee with a secure gun storage or safety
19 device, as described in section 921(a)(34), for that hand-
20 gun.

21 “(2) Paragraph (1) shall not apply to the—

22 “(A)(i) manufacture for, transfer to, or posses-
23 sion by, the United States or a department or agen-
24 cy of the United States, or a State or a department,

1 agency, or political subdivision of a State, of a hand-
2 gun; or

3 “(ii) transfer to, or possession by, a law en-
4 forcement officer employed by an entity referred to
5 in clause (i) of a handgun for law enforcement pur-
6 poses (whether on or off duty); or

7 “(B) transfer to, or possession by, a rail police
8 officer employed by a rail carrier and certified or
9 commissioned as a police officer under the laws of
10 a State of a handgun for purposes of law enforce-
11 ment (whether on or off duty);

12 “(C) transfer to any person of a handgun listed
13 as a curio or relic by the Secretary pursuant to sec-
14 tion 921(a)(13); or

15 “(D) transfer to any person of a handgun for
16 which a secure gun storage or safety device is tem-
17 porarily unavailable for the reasons described in the
18 exceptions stated in section 923(e): *Provided*, That
19 the licensed manufacturer, licensed importer, or li-
20 censed dealer delivers to the transferee within 10
21 calendar days from the date of the delivery of the
22 handgun to the transferee a secure gun storage or
23 safety device for the handgun.

24 “(3)(A) Notwithstanding any other provision of law,
25 a person who has lawful possession and control of a hand-

1 gun, and who uses a secure gun storage or safety device
 2 with the handgun, shall be entitled to immunity from a
 3 civil liability action as described in this paragraph.

4 “(B) A qualified civil liability action may not be
 5 brought in any Federal or State court. The term ‘qualified
 6 civil liability action’ means a civil action brought by any
 7 person against a person described in subparagraph (A) for
 8 damages resulting from the criminal or unlawful misuse
 9 of the handgun by a third party, where—

10 “(i) the handgun was accessed by another per-
 11 son who did not have the permission or authoriza-
 12 tion of the person having lawful possession and con-
 13 trol of the handgun to have access to it; and

14 “(ii) at the time access was gained by the per-
 15 son not so authorized, the handgun had been made
 16 inoperable by use of a secure gun storage or safety
 17 device.

18 A ‘qualified civil liability action’ shall not include an action
 19 brought against the person having lawful possession and
 20 control of the handgun for negligent entrustment or neg-
 21 ligence per se.”.

22 (b) CIVIL PENALTIES.—Section 924 of title 18,
 23 United States Code, is amended—

24 (1) in subsection (a)(1), by inserting “, or (p)”
 25 before “this section”; and

1 (2) by adding at the end the following:

2 “(p)(1)(A) With respect to each violation of section
3 922(z)(1) by a licensed manufacturer, licensed importer,
4 or licensed dealer, the Secretary may, after notice and op-
5 portunity for hearing—

6 “(i) suspend for up to six months, or revoke,
7 the license issued to the licensee under this chapter
8 that was used to conduct the firearms transfer; or

9 “(ii) impose on the licensee a civil penalty in an
10 amount equal to not more than \$2,500.

11 “(B) An action of the Secretary under this paragraph
12 may be reviewed only as provided in section 923(f).

13 “(2) The suspension or revocation of a license or the
14 imposition of a civil penalty under paragraph (1) shall not
15 preclude any administrative remedy that is otherwise
16 available to the Secretary.”.

17 (c) LIABILITY; EVIDENCE; RULE OF CONSTRUC-
18 TION.—

19 (1) LIABILITY.—Nothing in the amendments
20 made by this section shall be construed to—

21 (A) create a cause of action against any
22 Federal firearms licensee or any other person
23 for any civil liability; or

24 (B) establish any standard of care.

1 (2) EVIDENCE.—Notwithstanding any other
2 provision of law, evidence regarding compliance or
3 noncompliance with the amendments made by this
4 section shall not be admissible as evidence in any
5 proceeding of any court, agency, board, or other en-
6 tity, except with respect to an action to enforce
7 paragraphs (1) and (2) of section 922(z) of title 18,
8 United States Code, or to give effect to section
9 922(z)(3) of such title.

10 (3) RULE OF CONSTRUCTION.—Nothing in this
11 subsection shall be construed to bar a governmental
12 action to impose a penalty under section 924(p) of
13 title 18, United States Code, for a failure to comply
14 with section 922(z) of such title.

15 (d) AMENDMENT TO DEFINITION OF SAFETY DE-
16 VICE.—Section 921(a)(34) of title 18, United States Code,
17 is amended—

18 (1) by redesignating subparagraph (C) as sub-
19 paragraph (E);

20 (2) by striking “or” at the end of subparagraph
21 (B); and

22 (3) by inserting after subparagraph (B) the fol-
23 lowing:

24 “(C) a device that, if removed, will prevent
25 the discharge of the firearm;

1 “(D) a removable hammer or striker; or”.

2 **SEC. 302. INCREASED PENALTIES FOR UNLAWFUL JUVE-**
 3 **NILE POSSESSION OF FIREARMS.**

4 Section 924(a) of title 18, United States Code, is
 5 amended—

6 (1) in paragraph (4) by striking “Whoever” and
 7 inserting “Except as provided in paragraph (6) of
 8 this subsection, whoever”; and

9 (2) by striking paragraph (6) and inserting the
 10 following:

11 “(6)(A) A juvenile who violates section 922(x) shall
 12 be fined under this title, imprisoned not more than 1 year,
 13 or both, except—

14 “(i) the juvenile shall be fined under this title,
 15 imprisoned not more than 5 years, or both, if—

16 “(I) the offense of which the juvenile is
 17 charged is a violation of section 922(x); and

18 “(II) the violation was also with the intent
 19 to possess the handgun, ammunition, large ca-
 20 pacity ammunition feeding device, or semiauto-
 21 matic assault weapon giving rise to the violation
 22 in a school zone, or knowing that another juve-
 23 nile intends to possess the handgun, ammuni-
 24 tion, large capacity feeding device, or semiauto-

1 matic assault weapon giving rise to the violation
2 in a school zone;

3 “(ii) the juvenile shall be fined under this title,
4 imprisoned not more than 20 years, or both, if—

5 “(I) the offense of which the juvenile is
6 charged is a violation of section 922(x); and

7 “(II) the violation was also with the intent
8 also to use the handgun, ammunition, large ca-
9 pacity ammunition feeding device, or semiauto-
10 matic assault weapon giving rise to the violation
11 in the commission of a violent felony, or know-
12 ing that another juvenile intends to use the
13 handgun, ammunition, large capacity ammuni-
14 tion feeding device, or semiautomatic assault
15 weapon giving rise to the violation in the com-
16 mission of a serious violent felony.

17 “(B) For purposes of this paragraph, the term ‘seri-
18 ous violent felony’ has the meaning given the term in sec-
19 tion 3559(c)(2)(F).

20 “(C) Except as otherwise provided in this chapter,
21 in any case in which a juvenile is prosecuted in a district
22 court of the United States, and the juvenile is subject to
23 penalties under subparagraph (A)(ii), the juvenile shall be
24 subject to the same laws, rules, and proceedings regarding
25 sentencing (including the availability of probation, restitui-

tion, fines, forfeiture, imprisonment, and supervised re-
lease) that would be applicable in the case of an adult.
No juvenile sentenced to a term of imprisonment shall be
released from custody simply because the juvenile attains
18 years of age.”.

**SEC. 303. INCREASED PENALTIES AND MANDATORY MIN-
IMUM SENTENCE FOR UNLAWFUL TRANSFER
OF FIREARM TO JUVENILE.**

Section 924(a)(6) of title 18, United States Code, is
further amended by redesignating subparagraphs (B) and
(C) as subparagraphs (C) and (D), respectively, and by
inserting after subparagraph (A) the following:

“(B) A person other than a juvenile who knowingly
violates section 922(x)—

“(i) shall be fined under this title, imprisoned
not more than 5 years, or both;

“(ii) if the person violated section 922(x)(1)
knowing that a juvenile intended to possess the
handgun, ammunition, large capacity ammunition
feeding device, or semiautomatic assault weapon giv-
ing rise to the violation of section 922(x)(1) in a
school zone, shall be fined under this title and im-
prisoned not less than 3 years and not more than 20
years; and

1 “(iii) if the person violated section 922(x)(1)
 2 knowing that a juvenile intended to use the hand-
 3 gun, ammunition, large capacity ammunition feeding
 4 device, or semiautomatic assault weapon giving rise
 5 to the violation of section 922(x)(1) in the commis-
 6 sion of a serious violent felony, shall be imprisoned
 7 not less than 10 years and not more than 20 years
 8 and fined under this title.”.

9 **SEC. 304. PROHIBITING JUVENILES FROM POSSESSING AS-**
 10 **SAULT WEAPONS.**

11 Section 922(x) of title 18, United States Code, is
 12 amended—

13 (1) in paragraph (1)—

14 (A) by striking “or” at the end of subpara-
 15 graph (A);

16 (B) by striking the period at the end of
 17 subparagraph (B) and inserting a semicolon;
 18 and

19 (C) by adding at the end the following:

20 “(C) a semiautomatic assault weapon; or

21 “(D) a large capacity ammunition feeding de-
 22 vice.”;

23 (2) in paragraph (2)—

24 (A) by striking “or” at the end of subpara-
 25 graph (A);

1 (B) by striking the period at the end of
2 subparagraph (B) and inserting a semicolon;
3 and

4 (C) by inserting at the end the following:

5 “(C) a semiautomatic assault weapon; or

6 “(D) a large capacity ammunition feeding
7 device.”; and

8 (3) by striking paragraph (3) and inserting the
9 following:

10 “(3) This subsection shall not apply to—

11 “(A) a temporary transfer of a handgun, am-
12 munition, a large capacity ammunition feeding de-
13 vice, or a semiautomatic assault weapon to a juvenile
14 or to the temporary possession or use of a handgun,
15 ammunition, a large capacity ammunition feeding
16 device, or a semiautomatic assault weapon by a
17 juvenile—

18 “(i) if the handgun, ammunition, large ca-
19 pacity ammunition feeding device, or semiauto-
20 matic assault weapon are possessed and used by
21 the juvenile—

22 “(I) in the course of employment,

23 “(II) in the course of ranching or
24 farming related to activities at the resi-
25 dence of the juvenile (or on property used

1 for ranching or farming at which the juve-
2 nile, with the permission of the property
3 owner or lessee, is performing activities re-
4 lated to the operation of the farm or
5 ranch),

6 “(III) for target practice,

7 “(IV) for hunting, or

8 “(V) for a course of instruction in the
9 safe and lawful use of a firearm;

10 “(ii) clause (i) shall apply only if the juve-
11 nile’s possession and use of a handgun, ammu-
12 nition, a large capacity ammunition feeding de-
13 vice, or a semiautomatic assault weapon under
14 this subparagraph are in accordance with State
15 and local law, and the following conditions are
16 met—

17 “(I) except when a parent or guardian
18 of the juvenile is in the immediate and su-
19 pervisory presence of the juvenile, the juve-
20 nile shall have in the juvenile’s possession
21 at all times when a handgun, ammunition,
22 a large capacity ammunition feeding de-
23 vice, or a semiautomatic assault weapon is
24 in the possession of the juvenile, the prior
25 written consent of the juvenile’s parent or

1 guardian who is not prohibited by Federal,
2 State, or local law from possessing a fire-
3 arm or ammunition; and

4 “(II)(aa) during transportation by the
5 juvenile directly from the place of transfer
6 to a place at which an activity described in
7 clause (i) is to take place the firearm shall
8 be unloaded and in a locked container or
9 case, and during the transportation by the
10 juvenile of that firearm, directly from the
11 place at which such an activity took place
12 to the transferor, the firearm shall also be
13 unloaded and in a locked container or case;
14 or

15 “(bb) with respect to employment,
16 ranching or farming activities as described
17 in clause (i), a juvenile may possess and
18 use a handgun, ammunition, a large capac-
19 ity ammunition feeding device, or a semi-
20 automatic assault weapon with the prior
21 written approval of the juvenile’s parent or
22 legal guardian, if such approval is on file
23 with the adult who is not prohibited by
24 Federal, State, or local law from pos-
25 sessing a firearm or ammunition and that

1 person is directing the ranching or farming
2 activities of the juvenile;

3 “(B) a juvenile who is a member of the Armed
4 Forces of the United States or the National Guard
5 who possesses or is armed with a handgun, ammuni-
6 tion, a large capacity ammunition feeding device, or
7 a semiautomatic assault weapon in the line of duty;

8 “(C) a transfer by inheritance of title (but not
9 possession) of a handgun, ammunition, a large ca-
10 pacity ammunition feeding device, or a semiauto-
11 matic assault weapon to a juvenile; or

12 “(D) the possession of a handgun, ammunition,
13 a large capacity ammunition feeding device, or a
14 semiautomatic assault weapon taken in lawful de-
15 fense of the juvenile or other persons in the resi-
16 dence of the juvenile or a residence in which the ju-
17 venile is an invited guest.

18 “(4) A handgun, ammunition, a large capacity am-
19 munition feeding device, or a semiautomatic assault weap-
20 on, the possession of which is transferred to a juvenile in
21 circumstances in which the transferor is not in violation
22 of this subsection, shall not be subject to permanent con-
23 fiscation by the Government if its possession by the juve-
24 nile subsequently becomes unlawful because of the conduct
25 of the juvenile, but shall be returned to the lawful owner

1 when such handgun, ammunition, large capacity ammuni-
2 tion feeding device, or semiautomatic assault weapon is
3 no longer required by the Government for the purposes
4 of investigation or prosecution.

5 “(5) For purposes of this subsection, the term ‘juve-
6 nile’ means a person who is less than 18 years of age.

7 “(6)(A) In a prosecution of a violation of this sub-
8 section, the court shall require the presence of a juvenile
9 defendant’s parent or legal guardian at all proceedings.

10 “(B) The court may use the contempt power to en-
11 force subparagraph (A).

12 “(C) The court may excuse attendance of a parent
13 or legal guardian of a juvenile defendant at a proceeding
14 in a prosecution of a violation of this subsection for good
15 cause shown.

16 “(7) For purposes of this subsection only, the term
17 ‘large capacity ammunition feeding device’ has the same
18 meaning as in section 921(a)(31) of title 18 and includes
19 similar devices manufactured before the effective date of
20 the Violent Crime Control and Law Enforcement Act of
21 1994.”.

1 **SEC. 305. RESPONSIBILITY OF ADULTS FOR DEATH AND IN-**
2 **JURY CAUSED BY CHILD ACCESS TO FIRE-**
3 **ARMS.**

4 Section 922 of title 18, United States Code, is further
5 amended by adding at the end the following:

6 “(aa)(1) For purposes of this subsection, the term
7 ‘juvenile’ means an individual who has not attained the
8 age of 18 years.

9 “(2) Except as provided in paragraph (3), any person
10 who—

11 “(A) keeps a loaded firearm, or an unloaded
12 firearm and ammunition for the firearm, any one of
13 which has been shipped or transported in interstate
14 or foreign commerce, within any premises that is
15 under the custody or control of that person;

16 “(B) knows, or recklessly disregards the risk,
17 that a juvenile is capable of gaining access to the
18 firearm; and

19 “(C)(i) knows, or recklessly disregards the risk,
20 that a juvenile will use the firearm to cause death
21 or serious bodily injury (as defined in section 1365)
22 to the juvenile or any other person; or

23 “(ii) knows, or recklessly disregards the risk,
24 that possession of the firearm by the juvenile is un-
25 lawful under Federal or State law,

1 if the juvenile uses the firearm to cause death or serious
2 bodily injury to the juvenile or any other person, shall be
3 imprisoned not more than 3 years, fined under this title,
4 or both.

5 “(3) Paragraph (2) shall not apply if—

6 “(A) at the time the juvenile obtained access,
7 the firearm was secured with a secure gun storage
8 or safety device or in a location to which the person
9 reasonably believed the juvenile could not obtain ac-
10 cess;

11 “(B) the person is a peace officer, a member of
12 the Armed Forces, or a member of the National
13 Guard, and the juvenile obtains the firearm during,
14 or incidental to, the performance of the official du-
15 ties of the person in that capacity;

16 “(C) the juvenile uses the firearm in a lawful
17 act of self-defense or defense of 1 or more other per-
18 sons;

19 “(D) the person has no reasonable expectation,
20 based on objective facts and circumstances, that a
21 juvenile is likely to be present on the premises on
22 which the firearm is kept; or

23 “(E) the juvenile obtains the firearm as a result
24 of an illegal entry by any person into the premises.”.

1 **SEC. 306. PROHIBITING POSSESSION OF EXPLOSIVES BY**
2 **JUVENILES AND YOUNG ADULTS.**

3 Section 842 of title 18, United States Code, is
4 amended by adding at the end the following:

5 “(r)(1) It shall be unlawful for any person who has
6 not attained 21 years of age to ship or transport any ex-
7 plosive materials in interstate or foreign commerce or to
8 receive or possess any explosive materials which has been
9 shipped or transported in interstate or foreign commerce.

10 “(2) This subsection shall not apply to commercially
11 manufactured black powder in bulk quantities not to ex-
12 ceed five pounds, and if the person is less than 18 years
13 of age, the person has the prior written consent of the
14 person’s parents or guardian who is not prohibited by Fed-
15 eral, State, or local law from possessing explosive mate-
16 rials, and the person has the prior written consent in the
17 person’s possession at all times when the black powder is
18 in the possession of the person.”.

19 **TITLE IV—PREVENTING CRIMI-**
20 **NAL ACCESS TO FIREARMS**
21 **AND EXPLOSIVES**

22 **SEC. 401. MANDATORY BACKGROUND CHECKS AT GUN**
23 **SHOWS.**

24 (a) FINDINGS.—Congress finds that—

25 (1) more than 4,400 traditional gun shows are
26 held annually across the United States, attracting

1 thousands of attendees per show and hundreds of
2 Federal firearms licensees and nonlicensed firearms
3 sellers, the vast majority of whom are law-abiding
4 individuals with no desire to participate in criminal
5 transactions;

6 (2) traditional gun shows, as well as flea mar-
7 kets and other organized events, at which a large
8 number of firearms are offered for sale by Federal
9 firearms licensees and nonlicensed firearms sellers,
10 form a significant part of the national firearms mar-
11 ket;

12 (3) firearms and ammunition that are exhibited
13 or offered for sale or exchange at gun shows, flea
14 markets, and other organized events move easily in
15 and substantially affect interstate commerce;

16 (4) gun shows, flea markets, and other orga-
17 nized events at which firearms are exhibited or of-
18 fered for sale or exchange, provide a convenient and
19 centralized commercial location at which firearms
20 may be bought and sold, often without background
21 checks and without records that enable gun tracing;

22 (5) at gun shows, flea markets, and other orga-
23 nized events at which guns are exhibited or offered
24 for sale or exchange, criminals and other prohibited
25 persons can obtain guns without background checks

1 and can use such guns that cannot be traced to later
2 commit crimes;

3 (6) firearms associated with gun shows have
4 been transferred illegally to residents of another
5 State by Federal firearms licensees and nonlicensed
6 firearms sellers, and have been involved in subse-
7 quent crimes including drug offenses, crimes of vio-
8 lence, property crimes, and illegal possession of fire-
9 arms by felons and other prohibited persons; and

10 (7) Congress has the power, under the inter-
11 state commerce clause and other provisions of the
12 Constitution of the United States, to ensure, by en-
13 actment of this section, that criminals and other
14 prohibited persons do not obtain firearms at gun
15 shows, flea markets, and other organized events.

16 (b) DEFINITIONS.—Section 921(a) of title 18, United
17 States Code, is amended by adding at the end the fol-
18 lowing:

19 “(35) The term ‘gun show’ means an event which is
20 sponsored to foster the collecting, competitive use, sport-
21 ing use, or any other legal use of firearms, and—

22 “(A) at which 50 or more firearms are offered
23 or exhibited for sale, transfer, or exchange, if 1 or
24 more of the firearms has been shipped or trans-

1 ported in, or the event otherwise affects, interstate
2 or foreign commerce; and

3 “(B) at which there are not less than 10 fire-
4 arm vendors.

5 “(36) The term ‘gun show organizer’ means any per-
6 son who organizes or conducts a gun show.

7 “(37) The term ‘gun show vendor’ means any person
8 who, at a fixed, assigned, or contracted location, exhibits,
9 sells, offers for sale, transfers, or exchanges 1 or more
10 firearms at a gun show.”.

11 (c) REGULATION OF FIREARMS TRANSFERS AT GUN
12 SHOWS.—

13 (1) IN GENERAL.—Chapter 44 of such title is
14 amended by adding at the end the following:

15 **“§ 931. Regulation of firearms transfers at gun shows**

16 “(a)(1) A person who is not a licensed importer, li-
17 censed manufacturer, or licensed dealer, and who desires
18 to be registered as an instant check registrant shall submit
19 to the Secretary an application which—

20 “(A) contains a certification by the applicant
21 that the applicant meets the requirements of sub-
22 paragraphs (A) through (D) of section 923(d)(1);
23 and

24 “(B) contains a photograph and fingerprints of
25 the applicant; and

1 “(C) is in such form as the Secretary shall by
2 regulation prescribe.

3 “(2)(A) The Secretary shall approve an application
4 submitted pursuant to paragraph (1) which meets the re-
5 quirements of paragraph (1). On approval of the applica-
6 tion and payment by the applicant of a fee of \$100 for
7 3 years, and upon renewal of valid registration a fee of
8 \$50 for 3 years, the Secretary shall issue to the applicant
9 an instant check registration, and advise the Attorney
10 General of the United States of the same, which entitles
11 the registrant to contact the national instant criminal
12 background check system established under section 103
13 of the Brady Handgun Violence Prevention Act for infor-
14 mation about any individual desiring to obtain a firearm
15 at a gun show from any transferor who has requested the
16 assistance of the registrant in complying with subsection
17 (c) with respect to the transfer of the firearm, and receive
18 information from the system regarding the individual, dur-
19 ing the 3-year period that begins with the date the reg-
20 istration is issued.

21 “(B) The Secretary shall approve or deny an applica-
22 tion submitted pursuant to paragraph (1) within 60 days
23 after the Secretary receives the application. If the Sec-
24 retary fails to so act within such period, the applicant may

1 bring an action under section 1361 of title 28 to compel
2 the Secretary to so act.

3 “(3) An instant check registrant shall keep all
4 records or documents which the registrant collects pursu-
5 ant to this section during a gun show at a premises, or
6 a portion thereof designated by the registrant, that is open
7 for inspection by the Secretary. The Secretary shall estab-
8 lish by regulation the procedure for the inspection, at a
9 premises or a gun show, of the records required to be kept
10 under this section in a manner for a registrant that is
11 identical to the same procedural rights and protections
12 specified for a licensee under subsections (g)(1)(A),
13 (g)(1)(B), and (j) of section 923. An instant check reg-
14 istrant shall remit to the Secretary all records required
15 to be kept by the registrant under this subsection when
16 the registration is no longer valid, has expired, or has been
17 revoked.

18 “(4)(A) This subsection shall not be construed—

19 “(i) as creating a cause of action against any
20 instant check registrant or any other person, includ-
21 ing the transferor, for any civil liability; or

22 “(ii) as establishing any standard of care.

23 “(B) Notwithstanding any other provision of law, ex-
24 cept to give effect to subparagraph (C), evidence regarding
25 the use or nonuse by a transferor of the services of an

1 instant check registrant under this section shall not be ad-
2 missible as evidence in any proceeding of any court, agen-
3 cy, board, or other entity for the purposes of establishing
4 liability based on a civil action brought on any theory for
5 harm caused by a product or by negligence.

6 “(C)(i) Notwithstanding any other provision of law,
7 a person who is—

8 “(I) an instant check registrant who assists in
9 having a background check performed in accordance
10 with this section;

11 “(II) a licensee who acquires a firearm at a gun
12 show from a nonlicensee, for transfer to another
13 nonlicensee in attendance at the show, for the pur-
14 pose of effectuating a sale, trade, or transfer be-
15 tween the 2 nonlicensees, all in the manner pre-
16 scribed for the acquisition and disposition of fire-
17 arms under this chapter; or

18 “(III) a nonlicensee disposing of a firearm, who
19 utilizes the services of an instant check registrant
20 pursuant to subclause (I) or a licensee pursuant to
21 subclause (II),

22 shall be entitled to immunity from a civil liability action
23 as described in this subparagraph.

24 “(ii) A qualified civil liability action may not be
25 brought in any Federal or State court. The term ‘qualified

1 civil liability action’ means a civil action brought by any
2 person against a person described in clause (i) for dam-
3 ages resulting from the criminal or unlawful misuse of the
4 firearm by the transferee or a third party, but shall not
5 include an action—

6 “(I) brought against a transferor convicted
7 under section 924(h), or a comparable or identical
8 State felony law, by a party directly harmed by the
9 transferee’s criminal conduct, as defined in section
10 924(h); or

11 “(II) brought against a transferor for negligent
12 entrustment or negligence per se.

13 “(4) A registration issued under this subsection may
14 be revoked pursuant to the procedures provided for license
15 revocations under section 923.

16 “(b) It shall be unlawful for any person to organize
17 or conduct a gun show unless the person—

18 “(1) registers with the Secretary in accordance
19 with regulations promulgated by the Secretary,
20 which shall not require the payment of any fee for
21 such registration;

22 “(2) before commencement of the gun show,
23 records and verifies the identity of each individual
24 who is to be a gun show vendor at the gun show by
25 examining, but not retaining a copy of, a valid iden-

1 tification document (as defined in section
2 1028(d)(1)) of the individual containing a photo-
3 graph of the individual; and

4 “(3) maintains a copy of the records described
5 in paragraph (2) at the permanent place of business
6 of the gun show organizer for such period of time
7 and in such form as the Secretary shall require by
8 regulation.

9 “(c)(1) If, at a gun show or the curtilage area of a
10 gun show, a person who is not licensed under section 923
11 makes an offer to another person who is not licensed
12 under section 923 to sell, transfer, or exchange a firearm
13 that is accessible to the person at the gun show or in the
14 curtilage area of the gun show, and such other person,
15 at the gun show or the curtilage area of the gun show,
16 indicates a willingness to accept the offer, it shall be un-
17 lawful for the person to subsequently transfer the firearm
18 to such other person, unless—

19 “(A) the firearm is transferred through a li-
20 censed importer, licensed manufacturer, or licensed
21 dealer in accordance with paragraph (2)(B) and oth-
22 erwise in accordance with law; or

23 “(B)(i) before the completion of the transfer,
24 an instant check registrant contacts the national in-
25 stant criminal background check system established

1 under section 103 of the Brady Handgun Violence
2 Prevention Act;

3 “(ii)(I) the system provides the registrant with
4 a unique identification number; or

5 “(II) 72 hours have elapsed since the registrant
6 contacted the system, and the system has not noti-
7 fied the registrant that the receipt of a firearm by
8 such other person would violate subsection (g) or (n)
9 of section 922; and

10 “(iii) the registrant notifies the person that the
11 registrant has complied with clauses (i) and (ii), or
12 of any receipt by the registrant of a notification
13 from the national instant criminal background check
14 system established under section 103 of the Brady
15 Handgun Violence Prevention Act that the transfer
16 would violate section 922 or State law; and

17 “(iv) the transferor and the registrant have
18 verified the identity of the transferee by examining
19 a valid identification document (as defined in section
20 1028(d)(1) of this title) of the transferee containing
21 a photograph of the transferee.

22 “(2)(A) The rules of paragraphs (2), (3), and (4) of
23 section 922(t) shall apply to firearms transfers assisted
24 by instant check registrants under this section in the same

1 manner in which such rules apply to firearms transfers
2 made by licensees.

3 “(B)(i) For purposes of section 922(t)(1)(B)(ii), the
4 time period that shall apply to the transfer of a firearm
5 as described in paragraph (1) of this subsection shall be
6 72 hours.

7 “(ii) The licensee or registrant may personally deliver
8 or ship the firearm to the prospective transferee in accord-
9 ance with clause (iii) if the gun show has terminated,
10 and—

11 “(I)(aa) 72 consecutive hours has elapsed since
12 the licensee or registrant contacted the system from
13 the gun show and the licensee or registrant has not
14 received notification from the system that receipt of
15 a firearm by the prospective transferee would violate
16 subsection (g) or (n) of section 922 or State law; or

17 “(bb) the licensee or registrant has received no-
18 tification from the system that receipt of a firearm
19 by the prospective transferee would not violate sub-
20 section (g) or (n) of section 922 or State law; and

21 “(II) State and local law would have permitted
22 the licensee or registrant to immediately deliver the
23 firearm to the prospective transferee if the condi-
24 tions described in item (aa) or (bb) had occurred
25 during the gun show.

1 “(iii)(I) The licensee may personally deliver the fire-
2 arm to the prospective transferee at a location other than
3 the business premises of the licensee, without regard to
4 whether the location is in the State specified on the license
5 of the licensee, or may ship the firearm by common carrier
6 to the prospective transferee.

7 “(II) The registrant may personally deliver the fire-
8 arm to a prospective transferee who is a resident of the
9 State of which the registrant is a resident, or may ship
10 the firearm by common carrier to such a prospective trans-
11 feree.

12 “(3) An instant check registrant who agrees to assist
13 a person who is not licensed under section 923 in com-
14 plying with subsection (c) with respect to the transfer of
15 a firearm shall—

16 “(A) enter the name, age, address, and other
17 identifying information on the transferee (or, if the
18 transferee is a corporation or other business entity,
19 the identity and principal and local places of busi-
20 ness of the transferee) as the Secretary may require
21 by regulation into a separate bound record;

22 “(B) record the unique identification number
23 provided by the system on a form specified by the
24 Secretary;

1 “(C) on completion of the functions required by
2 paragraph (1)(B) to be performed by the registrant
3 with respect to the transfer, notify the transferor
4 that the registrant has performed such functions;
5 and

6 “(D) on completion of the background check by
7 the system, retain a record of the background check
8 as part of the permanent business records of the
9 registrant.

10 “(4) This section shall not be construed to permit or
11 authorize the Secretary to impose recordkeeping require-
12 ments on any vendor who is not licensed under section
13 923.

14 “(d) If, at a gun show or the curtilage area of a gun
15 show, a person who is not licensed under section 923
16 makes an offer to another person who is not licensed
17 under section 923 to sell, transfer, or exchange a firearm
18 that is accessible to the person at the gun show or in the
19 curtilage area of the gun show, and such other person,
20 at the gun show or the curtilage area of the gun show,
21 indicates a willingness to accept the offer, it shall be un-
22 lawful for such other person to receive the firearm from
23 the person if the recipient knows that the firearm has been
24 transferred to the recipient in violation of this section.”.

1 (2) PENALTIES.—Section 924(a) of such title is
2 amended by adding at the end the following:

3 “(7)(A) Whoever knowingly violates subsection (b),
4 (c)(1), or (c)(2) of section 931 shall be—

5 “(i) fined under this title, imprisoned not more
6 than 1 years, or both; or

7 “(ii) in the case of a second or subsequent con-
8 viction of such a violation, fined under this title, im-
9 prisoned not more than 5 years, or both.

10 “(B) Whoever knowingly violates subsection (c)(3) or
11 (d) of section 931 shall be fined under this title, impris-
12 oned not more than 3 years, or both.

13 “(C) In addition to any other penalties imposed
14 under this paragraph, the Secretary may, with respect to
15 any person who knowingly violates subsection (b), (c), or
16 (d) of section 931—

17 “(i) impose a civil fine in an amount equal to
18 not more than \$2,500; and

19 “(ii) if the person is registered pursuant to sec-
20 tion 931(a), after notice and opportunity for a hear-
21 ing, suspend for not more than 6 months or revoke
22 the registration of that person under section
23 931(a).”.

24 (3) CONFORMING AMENDMENT.—Section 923(j)
25 of such title is amended in the first sentence by

1 striking “or event” and all that follows through
2 “community”.

3 (4) CLERICAL AMENDMENT.—The section anal-
4 ysis for chapter 44 of such title is amended by add-
5 ing at the end the following:

“931. Regulation of firearms transfers at gun shows.”.

6 (d) INSPECTION AUTHORITY.—Section 923(g)(1) of
7 such title is amended by adding at the end the following:

8 “(E) The Secretary may enter during business hours
9 the place of business of any gun show organizer and any
10 place where a gun show is held, without such reasonable
11 cause or warrant, for the purpose of inspecting or exam-
12 ining the records required by section 923 or 931 and the
13 inventory of licensees conducting business at the gun show
14 in the course of a reasonable inquiry during the course
15 of a criminal investigation of a person or persons other
16 than the organizer or licensee or when such examination
17 may be required for determining the disposition of one or
18 more particular firearms in the course of a bona fide
19 criminal investigation.”.

20 (e) INCREASED PENALTIES FOR SERIOUS RECORD-
21 KEEPING VIOLATIONS BY LICENSEES.—Section 924(a)(3)
22 of such title is amended to read as follows:

23 “(3)(A) Except as provided in subparagraph (B), any
24 licensed dealer, licensed importer, licensed manufacturer,
25 or licensed collector who knowingly makes any false state-

1 ment or representation with respect to the information re-
 2 quired by this chapter to be kept in the records of a person
 3 licensed under this chapter, or violates section 922(m)
 4 shall be fined under this title, imprisoned not more than
 5 1 year, or both.

6 “(B) If the violation described in subparagraph (A)
 7 is in relation to an offense—

8 “(i) under paragraph (1) or (3) of section
 9 922(b), such person shall be fined under this title,
 10 imprisoned not more than 5 years, or both; or

11 “(ii) under subsection (a)(6) or (d) of section
 12 922, such person shall be fined under this title, im-
 13 prisoned not more than 10 years, or both.”.

14 (f) INCREASED PENALTIES FOR VIOLATIONS OF
 15 CRIMINAL BACKGROUND CHECK REQUIREMENTS.—

16 (1) PENALTIES.—Section 924(a) of such title is
 17 amended—

18 (A) in paragraph (5), by striking “sub-
 19 section (s) or (t) of section 922” and inserting
 20 “section 922(s)”; and

21 (B) by adding at the end the following:

22 “(8)(A) Whoever knowingly violates section 922(t)
 23 shall be fined under this title, imprisoned not more than
 24 3 years, or both.

1 “(B) In the case of a second or subsequent con-
 2 viction under this paragraph, the person shall be
 3 fined under this title, imprisoned not more than 5
 4 years, or both.”.

5 (2) ELIMINATION OF CERTAIN ELEMENTS OF
 6 OFFENSE.—Section 922(t)(5) of such title is amend-
 7 ed by striking “and, at the time” and all that fol-
 8 lows through “State law”.

9 (g) EFFECTIVE DATE.—The amendments made by
 10 this section shall take effect 180 days after the date of
 11 enactment of this Act.]

12 **SEC. 402. INSTANT CHECK GUN TAX AND GUN OWNER PRI-**
 13 **VACY.**

14 (a) PROHIBITION ON GUN TAX.—

15 (1) IN GENERAL.—Chapter 33 of title 28,
 16 United States Code, is amended by adding at the
 17 end the following:

18 **“§ 540B. Ban against fee for background check in**
 19 **connection with firearm transfer**

20 “No officer, employee, or agent of the United States,
 21 including a State or local officer or employee acting on
 22 behalf of the United States, may charge or collect any fee
 23 in connection with any background check required in con-
 24 nection with the transfer of a firearm (as defined in sec-
 25 tion 921(a)(3) of title 18).”.

1 (2) TECHNICAL AND CONFORMING AMEND-
 2 MENTS.—The section analysis for chapter 33 of title
 3 28, United States Code, is amended by inserting
 4 after the item relating to section 540A the following:

“540B. Ban against fee for background check in connection with firearm trans-
 fer.”.

5 (b) PROTECTION OF GUN OWNER PRIVACY AND
 6 OWNERSHIP RIGHTS.—

7 (1) IN GENERAL.—Chapter 44 of title 18,
 8 United States Code, is amended by adding at the
 9 end the following:

10 **“§ 932. Gun owner privacy and ownership rights**

11 “Notwithstanding any other provision of law, no de-
 12 partment, agency, or instrumentality of the United States
 13 or officer, employee, or agent of the United States, includ-
 14 ing a State or local officer or employee acting on behalf
 15 of the United States—

16 “(1) shall perform any national instant criminal
 17 background check on any person through the system
 18 established pursuant to section 103 of the Brady
 19 Handgun Violence Prevention Act (18 U.S.C. 922
 20 note) (referred to in this section as the “system”) if
 21 that system does not require and result in the imme-
 22 diate destruction of all information, in any form
 23 whatsoever or through any medium, about such per-
 24 son who is determined, through the use of the sys-

1 tem, not to be prohibited by subsection (g) or (h) of
2 section 922 of title 18, United States Code, or by
3 State law, from receiving a firearm, except that this
4 subsection shall not apply to the retention or trans-
5 fer of information relating to—

6 “(A) any unique identification number pro-
7 vided by the national instant criminal back-
8 ground check system pursuant to section
9 922(t)(1)(B)(i) of title 18, United States Code;

10 or

11 “(B) the date on which that number is
12 provided; or

13 “(2) shall continue to operate the system (in-
14 cluding requiring a background check before the
15 transfer of a firearm) unless—

16 “(A) the ‘NICS Index’ complies with the
17 requirements of section 552a(e)(5) of title 5,
18 United States Code; and

19 “(B) the agency responsible for the system
20 and the system’s compliance with Federal law
21 does not invoke the exceptions under sub-
22 sections (j)(2), (k)(2), and (k)(3) of section
23 552a of title 5, United States Code, except if
24 specifically identifiable information is compiled

1 for a particular law enforcement investigation
2 or specific criminal enforcement matter.”.

3 (2) TECHNICAL AND CONFORMING AMEND-
4 MENTS.—The section analysis for chapter 44 of title
5 18, United States Code, is further amended by add-
6 ing at the end the following:

“932. Gun owner privacy and ownership rights.”.

7 (c) CIVIL REMEDIES.—Any person aggrieved by a
8 violation of section 540B of title 28, or 931 of title 18,
9 United States Code, as added by this section, may bring
10 an action in the district court of the United States for
11 the district in which the person resides. Any person who
12 is successful with respect to any such action shall receive
13 actual damages, punitive damages, and such other rem-
14 edies as the court may determine to be appropriate, in-
15 cluding a reasonable attorney’s fee.

16 (d) EFFECTIVE DATE.—The amendments made by
17 this section shall take effect on the date of enactment of
18 this Act, except that the amendments made by subsection
19 (a) shall take effect as of October 1, 1998.

20 **SEC. 403. PROHIBITION ON FIREARMS POSSESSION BY VIO-**
21 **LENT JUVENILE OFFENDERS.**

22 (a) DEFINITION.—Section 921(a)(20) of title 18,
23 United States Code, is amended—

24 (1) by inserting “(A)” after “(20)”;

1 (2) by redesignating subparagraphs (A) and
2 (B) as clauses (i) and (ii), respectively;

3 (3) by inserting after subparagraph (A) the fol-
4 lowing:

5 “(B) For purposes of subsections (d) and (g) of sec-
6 tion 922, the term ‘adjudicated to have committed an act
7 of violent juvenile delinquency’ means an adjudication of
8 delinquency in Federal or State court, based on a finding
9 of the commission of an act by a person prior to his or
10 her eighteenth birthday that, if committed by an adult,
11 would be a serious or violent felony (as defined in section
12 3559(c)(2)(F)(i)) had Federal jurisdiction existed and
13 been exercised.”; and

14 (4) in the undesignated paragraph following
15 subparagraph (B) (as added by paragraph (3) of
16 this subsection), by striking “What constitutes” and
17 all that follows through “this chapter,” and inserting
18 the following:

19 “(C) What constitutes a conviction of such a crime
20 or an adjudication of an act of violent juvenile delinquency
21 shall be determined in accordance with the law of the ju-
22 risdiction in which the proceedings were held. Any State
23 conviction or adjudication of an act of violent juvenile de-
24 linquency that has been expunged or set aside, or for
25 which a person has been pardoned or has had civil rights

1 restored, by the jurisdiction in which the conviction or ad-
2 judication of an act of violent juvenile delinquency oc-
3 curred shall not be considered to be a conviction or adju-
4 dication of an act of violent juvenile delinquency for pur-
5 poses of this chapter,”.

6 (b) PROHIBITION.—Section 922 of title 18, United
7 States Code, is amended—

8 (1) in subsection (d)—

9 (A) in paragraph (8), by striking “or” at
10 the end;

11 (B) in paragraph (9), by striking the pe-
12 riod at the end and inserting “; or”; and

13 (C) by inserting after paragraph (9) the
14 following:

15 “(10) has been adjudicated to have committed
16 an act of violent juvenile delinquency.”; and

17 (2) in subsection (g)—

18 (A) in paragraph (8), by striking “or” at
19 the end;

20 (B) in paragraph (9), by striking the
21 comma at the end and inserting “; or”; and

22 (C) by inserting after paragraph (9) the
23 following:

24 “(10) who has been adjudicated to have com-
25 mitted an act of violent juvenile delinquency,”.

1 (c) EFFECTIVE DATE.—The amendments made by
2 this section shall only apply to an act of violent juvenile
3 delinquency that occurs 180 days or more after the date
4 of the enactment of this Act.

5 **SEC. 404. CRIMINAL PROHIBITION ON DISTRIBUTION OF**
6 **CERTAIN INFORMATION RELATING TO EX-**
7 **PLOSIVES, DESTRUCTIVE DEVICES, AND**
8 **WEAPONS OF MASS DESTRUCTION.**

9 (a) UNLAWFUL CONDUCT.—Section 842 of title 18,
10 United States Code, is amended by adding at the end the
11 following:

12 “(p)(1) For purposes of this subsection:

13 “(A) The term ‘destructive device’ has the same
14 meaning as in section 921(a)(4).

15 “(B) The term ‘explosive’ has the same mean-
16 ing as in section 844(j).

17 “(C) The term ‘weapon of mass destruction’
18 has the same meaning as in section 2332a(c)(2).

19 “(2) It shall be unlawful for any person—

20 “(A) to teach or demonstrate the making or use
21 of an explosive, a destructive device, or a weapon of
22 mass destruction, or to distribute by any means in-
23 formation pertaining to, in whole or in part, the
24 manufacture or use of an explosive, destructive de-
25 vice, or weapon of mass destruction, with the intent

1 that the teaching, demonstration, or information be
2 used for, or in furtherance of, an activity that con-
3 stitutes a Federal crime of violence; or

4 “(B) to teach or demonstrate to any person the
5 making or use of an explosive, a destructive device,
6 or a weapon of mass destruction, or to distribute to
7 any person, by any means, information pertaining
8 to, in whole or in part, the manufacture or use of
9 an explosive, destructive device, or weapon of mass
10 destruction, knowing that such person intends to use
11 the teaching, demonstration, or information for, or
12 in furtherance of, an activity that constitutes a Fed-
13 eral crime of violence.”.

14 (b) PENALTIES.—Section 844 of title 18, United
15 States Code, is amended—

16 (1) in subsection (a), by striking “person who
17 violates any of subsections” and inserting the fol-
18 lowing: “person who—

19 “(1) violates any of subsections”;

20 (2) by striking the period and inserting “;
21 and”;

22 (3) by adding at the end the following:

23 “(2) violates section 842(p)(2), shall be fined
24 under this title, imprisoned not more than 20 years,
25 or both.”; and

1 (4) in subsection (j), by inserting “and section
2 842(p),” after “this section,”.

3 **SEC. 405. REQUIRING THEFTS FROM COMMON CARRIERS**
4 **TO BE REPORTED.**

5 (a) Section 922(f) of title 18, United States Code,
6 is amended by adding at the end the following:

7 “(3)(A) It shall be unlawful for any common or con-
8 tract carrier to fail to report the theft or loss of a firearm
9 within 48 hours after the theft or loss is discovered. The
10 theft or loss shall be reported to the Secretary and to the
11 appropriate local authorities.

12 “(B) The Secretary may impose a civil fine of not
13 more than \$10,000 on any person who knowingly violates
14 subparagraph (A).”.

15 (b) Section 924(a)(1)(B) of title 18, United States
16 Code, is amended by striking “(f),” and inserting “(f)(1),
17 (f)(2),”.

18 **SEC. 406. VOLUNTARY SUBMISSION OF DEALER’S RECORDS.**

19 Section 923(g)(4) of title 18, United States Code, is
20 amended to read as follows:

21 “(4) Where a firearms or ammunition business is dis-
22 continued and succeeded by a new licensee, the records
23 required to be kept by this chapter shall appropriately re-
24 flect such facts and shall be delivered to the successor.
25 Upon receipt of such records the successor licensee may

1 retain the records of the discontinued business or submit
2 the discontinued business records to the Secretary. Addi-
3 tionally, a licensee while maintaining a firearms business
4 may voluntarily submit the records required to be kept by
5 this chapter to the Secretary if such records are at least
6 20 years old. Where discontinuance of the business is ab-
7 solute, such records shall be delivered within thirty days
8 after the business is discontinued to the Secretary. Where
9 State law or local ordinance requires the delivery of
10 records to another responsible authority, the Secretary
11 may arrange for the delivery of such records to such other
12 responsible authority.”.

13 **SEC. 407. GRANT PROGRAM FOR JUVENILE RECORDS.**

14 (a) PROGRAM AUTHORIZATION.—The Attorney Gen-
15 eral is authorized to provide grants to States to improve
16 the quality and accessibility of juvenile records and to en-
17 sure juvenile records are routinely available for back-
18 ground checks performed in connection with the transfer
19 of a firearm.

20 (b) ELIGIBILITY.—

21 (1) IN GENERAL.—A State that wishes to re-
22 ceive a grant under this section shall submit an ap-
23 plication to the Attorney General that meets the re-
24 quirements of paragraph (2).

1 (2) ASSURANCE.—The application referred to in
2 paragraph (1) shall include an assurance that the
3 State has in place a system of records that ensures
4 that juvenile records are available for background
5 checks performed in connection with the transfer of
6 a firearm, in which such system provides that—

7 (A) an adjudication of an act of violent ju-
8 venile delinquency as defined in section
9 921(a)(20)(B) is not expunged or set aside
10 after a juvenile reaches the age of majority; and

11 (B) such a juvenile record is available and
12 retained as if it were an adult record.

13 (c) ALLOCATION.—Of the total funds appropriated
14 under subsection (e), each State that meets the require-
15 ments of subsection (b), shall be allocated an amount
16 which bears the same ratio to the amount of funds so ap-
17 propriated as the population of individuals under the age
18 of 18 living in such State for the most recent calendar
19 year in which such data is available bears to the popu-
20 lation of such individuals of all the States that meet the
21 requirements of subsection (b) for such fiscal year.

22 (d) USES OF FUNDS.—A State that receives a grant
23 award under this section may use such funds to support
24 the administrative record system referred to in subsection
25 (b)(2).

1 (e) AUTHORIZATION OF APPROPRIATION.—There are
2 authorized to be appropriated to carry out this section,
3 \$25,000,000 for fiscal year 2000 and such sums as may
4 be necessary for each of the 4 succeeding fiscal years.

5 **TITLE V—PUNISHING AND DE-**
6 **TERRING CRIMINAL USE OF**
7 **FIREARMS AND EXPLOSIVES**

8 **SEC. 501. MANDATORY MINIMUM SENTENCE FOR DIS-**
9 **CHARGING A FIREARM IN A SCHOOL ZONE.**

10 Section 924(a)(4) of title 18, United States Code, is
11 amended—

12 (1) by striking “922(q) shall be fined” and in-
13 serting “922(q)(2) shall be fined”; and

14 (2) by inserting after the first sentence the fol-
15 lowing: “Whoever violates section 922(q)(3) with
16 reckless disregard for the safety of another shall be
17 fined under this title, imprisoned not more than 20
18 years, or both, except that if serious bodily injury re-
19 sults, shall be fined under this title, imprisoned not
20 more than 25 years, or both, or if death results and
21 the person has attained 16 years of age but has not
22 attained 18 years of age, shall be fined under this
23 title, sentenced to imprisonment for life or for any
24 term of years, or both, or if death results and the
25 person has attained 18 years of age, shall be fined

1 under this title, sentenced to death or to imprison-
 2 ment for any term of years or for life, or both. Who-
 3 ever knowingly violates section 922(q)(3) shall be
 4 fined under this title, imprisoned not less than 10
 5 years and not more than 20 years, or both, except
 6 that if serious bodily injury results, shall be fined
 7 under this title, imprisoned not less than 15 years
 8 and not more than 25 years, or both, or if death re-
 9 sults and the person has attained 16 years of age
 10 but has not attained 18 years of age, shall be fined
 11 under this title, sentenced to imprisonment for life,
 12 or both, or if death results and the person has at-
 13 tained 18 years of age, shall be fined under this
 14 title, sentenced to death or to imprisonment for life,
 15 or both.”.

16 **SEC. 502. APPREHENSION AND PROCEDURAL TREATMENT**
 17 **OF ARMED VIOLENT CRIMINALS.**

18 (a) PRETRIAL DETENTION FOR POSSESSION OF
 19 FIREARMS OR EXPLOSIVES BY CONVICTED FELONS.—
 20 Section 3156(a)(4) of title 18, United States Code, is
 21 amended—

- 22 (1) by striking “or” at the end of subparagraph
 23 (B);
 24 (2) by striking “and” at the end of subpara-
 25 graph (C) and inserting “or”; and

1 (3) by adding at the end the following:

2 “(D) an offense that is a violation of sec-
3 tion 842(i) or 922(g) (relating to possession of
4 explosives or firearms by convicted felons);
5 and”.

6 (b) FIREARMS POSSESSION BY VIOLENT FELONS
7 AND SERIOUS DRUG OFFENDERS.—Section 924(a)(2) of
8 title 18, United States Code, is amended—

9 (1) by striking “Whoever” and inserting “(A)
10 Except as provided in subparagraph (B), any person
11 who”; and

12 (2) by adding at the end the following:

13 “(B) Notwithstanding any other provision of law, the
14 court shall not grant a probationary sentence for such a
15 violation to a person who has more than 1 previous convic-
16 tion for a violent felony (as defined in subsection
17 (e)(2)(B)) or a serious drug offense (as defined in sub-
18 section (e)(2)(A)), committed under different cir-
19 cumstances.”.

20 **SEC. 503. INCREASED PENALTIES FOR POSSESSING OR**
21 **TRANSFERRING STOLEN FIREARMS.**

22 (a) IN GENERAL.—Section 924 of title 18, United
23 States Code, is amended—

24 (1) in subsection (a)—

1 (A) in paragraph (2), by striking “(i),
2 (j),”; and

3 (B) by adding at the end the following:

4 “(8) Whoever knowingly violates subsection (i) or (j)
5 of section 922 shall be fined under this title, imprisoned
6 not more than 15 years, or both.”;

7 (2) in subsection (i)(1), by striking “10” and
8 inserting “15”; and

9 (3) in subsection (l), by striking “10” and in-
10 serting “15”.

11 (b) SENTENCING COMMISSION.—The United States
12 Sentencing Commission shall amend the Federal sen-
13 tencing guidelines to reflect the amendments made by sub-
14 section (a).

15 **SEC. 504. INCREASED MANDATORY MINIMUM PENALTIES**
16 **FOR USING A FIREARM TO COMMIT A CRIME**
17 **OF VIOLENCE OR DRUG TRAFFICKING CRIME.**

18 Section 924 of title 18, United States Code, is
19 amended—

20 (1) in subsection (c)(1)(A)—

21 (A) in clause (ii), by striking “and” at the
22 end;

23 (B) in clause (iii), by striking “10 years.”
24 and inserting “12 years; and”; and

25 (C) by adding at the end the following:

1 “(iv) if the firearm is used to injure
 2 another person, be sentenced to a term of
 3 imprisonment of not less than 15 years.”;
 4 and

5 (2) in subsection (h), by striking “imprisoned
 6 not more than 10 years” and inserting “imprisoned
 7 not less than 5 years and not more than 10 years”.

8 **SEC. 505. INCREASED PENALTIES FOR MISREPRESENTED**
 9 **FIREARMS PURCHASE IN AID OF A SERIOUS**
 10 **VIOLENT FELONY.**

11 (a) IN GENERAL.—Section 924(a) of title 18, United
 12 States Code, is amended by adding at the end the fol-
 13 lowing:

14 “(7)(A) Notwithstanding paragraph (2), whoever
 15 knowingly violates section 922(a)(6) for the purpose of
 16 selling, delivering, or otherwise transferring a firearm,
 17 knowing or having reasonable cause to know that another
 18 person will carry or otherwise possess or discharge or oth-
 19 erwise use the firearm in the commission of a serious vio-
 20 lent felony, shall be—

21 “(i) fined under this title, imprisoned not more
 22 than 15 years, or both; or

23 “(ii) imprisoned not less than 10 and not more
 24 than 20 years and fined under this title, if the pro-
 25 curement is for a juvenile.

1 “(B) For purposes of this paragraph—

2 “(i) the term ‘juvenile’ has the meaning given
3 the term in section 922(x); and

4 “(ii) the term ‘serious violent felony’ has the
5 meaning given the term in section 3559(c)(2)(F).”.

6 (b) EFFECTIVE DATE.—The amendment made by
7 this section shall take effect 180 days after the date of
8 enactment of this Act.

9 **SEC. 506. INCREASING PENALTIES ON GUN KINGPINS.**

10 (a) INCREASING THE PENALTY FOR ENGAGING IN AN
11 ILLEGAL FIREARMS BUSINESS.—Section 924(a)(2) of
12 title 18, United States Code, is amended by inserting “,
13 or willfully violates section 922(a)(1),” after “section
14 922”.

15 (b) SENTENCING GUIDELINES INCREASE FOR CER-
16 TAIN VIOLATIONS AND OFFENSES.—Pursuant to its au-
17 thority under section 994(p) of title 28, United States
18 Code, the United States Sentencing Commission shall—

19 (1) review and amend the Federal sentencing
20 guidelines to provide an appropriate enhancement
21 for a violation of section 922(a)(1) of title 18,
22 United States Code; and

23 (2) review and amend the Federal sentencing
24 guidelines to provide additional sentencing increases,

1 as appropriate, for offenses involving more than 50
2 firearms.

3 The Commission shall promulgate the amendments pro-
4 vided for under this subsection as soon as is practicable
5 in accordance with the procedure set forth in section 21(a)
6 of the Sentencing Act of 1987, as though the authority
7 under that Act had not expired.

8 **SEC. 507. SERIOUS RECORDKEEPING OFFENSES THAT AID**
9 **GUN TRAFFICKING.**

10 Section 924(a)(3) of title 18, United States Code, is
11 amended by striking the period and inserting “; but if the
12 violation is in relation to an offense under subsection
13 (a)(6) or (d) of section 922, shall be fined under this title,
14 imprisoned not more than 10 years, or both.”.

15 **SEC. 508. TERMINATION OF FIREARMS DEALER’S LICENSE**
16 **UPON FELONY CONVICTION.**

17 Section 925(b) of title 18, United States Code, is
18 amended by striking “until any conviction pursuant to the
19 indictment becomes final” and inserting “until the date
20 of any conviction pursuant to the indictment”.

21 **SEC. 509. INCREASED PENALTY FOR TRANSACTIONS IN-**
22 **VOLVING FIREARMS WITH OBLITERATED SE-**
23 **RIAL NUMBERS.**

24 Section 924(a) of title 18, United States Code, is
25 amended—

1 (1) in paragraph (1)(B), by striking “(k),”; and
2 (2) in paragraph (2), by inserting “(k),” after
3 “(j),”.

4 **SEC. 510. FORFEITURE FOR GUN TRAFFICKING.**

5 Section 982(a) of title 18, United States Code, is
6 amended by adding at the end the following:

7 “(9) The court, in imposing a sentence on a person
8 convicted of a gun trafficking offense, as defined in section
9 981(a)(1)(G), or a conspiracy to commit such offense,
10 shall order the person to forfeit to the United States any
11 conveyance used or intended to be used to commit such
12 offense, and any property traceable to such conveyance.”.

13 **SEC. 511. INCREASED PENALTY FOR FIREARMS CON-**
14 **SPIRACY.**

15 Section 924 of title 18, United States Code, is further
16 amended by adding at the end the following:

17 “(q) Except as otherwise provided in this section, a
18 person who conspires to commit an offense defined in this
19 chapter shall be subject to the same penalties (other than
20 the penalty of death) as those prescribed for the offense
21 the commission of which is the object of the conspiracy.”.

22 **SEC. 512. GUN CONVICTIONS AS PREDICATE CRIMES FOR**
23 **ARMED CAREER CRIMINAL ACT.**

24 (a) Section 924(e)(1) of title 18, United States Code,
25 is amended—

1 (1) by striking “violent felony or a serious drug
2 offense, or both,” and inserting “violent felony, a se-
3 rious drug offense or a violation of section
4 922(g)(1), or a combination of such offenses,”; and

5 (2) by adding at the end the following: “No
6 more than two convictions for violations of section
7 922(g)(1) shall be considered in determining wheth-
8 er a person has three previous convictions for pur-
9 poses of this subsection.”.

10 **SEC. 513. SERIOUS JUVENILE DRUG TRAFFICKING OF-**
11 **FENSES AS ARMED CAREER CRIMINAL ACT**
12 **PREDICATES.**

13 Section 924(e)(2)(C) of title 18, United States Code,
14 is amended by inserting “or serious drug offense” after
15 “violent felony”.

16 **SEC. 514. FORFEITURE OF FIREARMS USED IN CRIMES OF**
17 **VIOLENCE AND FELONIES.**

18 (a) CRIMINAL FORFEITURE.—Section 982(a) of title
19 18, United States Code, is further amended by adding at
20 the end the following:

21 “(10) The court, in imposing a sentence on a person
22 convicted of any crime of violence (as defined in section
23 16 of this title) or any felony under Federal law, shall
24 order that the person forfeit to the United States any fire-
25 arm (as defined in section 921(a)(3) of this title) used

1 or intended to be used to commit or to facilitate the com-
2 mission of the offense.”.

3 (b) DISPOSAL OF PROPERTY.—Section 981(c) of title
4 18, United States Code, is amended by adding at the end
5 the following flush sentence:

6 “Any firearm forfeited pursuant to subsection (a)(1)(H)
7 of this section or section 982(a)(10) of this title shall be
8 disposed of by the seizing agency in accordance with law.”.

9 (c) AUTHORITY TO FORFEIT PROPERTY UNDER
10 SECTION 924(d).—Section 924(d) of title 18, United
11 States Code, is amended by adding at the end the fol-
12 lowing:

13 “(4) Whenever any firearm is subject to forfeiture
14 under this section, the Secretary of the Treasury shall
15 have the authority to seize and forfeit, in accordance with
16 the procedures of the applicable forfeiture statute, any
17 property otherwise forfeitable under the laws of the United
18 States that was involved in or derived from the crime of
19 violence or drug trafficking crime described in subsection
20 (c) in which the forfeited firearm was used or carried.”.

21 (d) 120-DAY RULE FOR ADMINISTRATIVE FOR-
22 FEITURE.—Section 924(d)(1) of title 18, United States
23 Code, is amended by adding “administrative” after “Any”
24 in the last sentence.

1 (e) SECTION 3665.—Section 3665 of title 18, United
2 States Code, is amended—

3 (1) by redesignating the first undesignated
4 paragraph as subsection (a)(1) and the second un-
5 designated paragraph as subsection (a)(2); and

6 (2) by adding at the end the following:

7 “(b) The forfeiture of property under this section, in-
8 cluding any seizure and disposition of the property and
9 any related administrative or judicial proceeding, shall be
10 governed by the provisions of section 413 of the Com-
11 prehensive Drug Abuse Prevention and Control Act of
12 1970 (21 U.S.C. 853), except for subsection 413(d) which
13 shall not apply to forfeitures under this section.”.

14 **SEC. 515. SEPARATE LICENSES FOR GUNSMITHS.**

15 (a) Section 921(a)(11) of title 18, United States
16 Code, is amended to read as follows:

17 “(11) The term ‘dealer’ means (A) any person en-
18 gaged in the business as a firearms dealer, (B) any person
19 engaged in the business as a gunsmith, or (C) any person
20 who is a pawnbroker. The term ‘licensed dealer’ means
21 any dealer who is licensed under the provisions of this
22 chapter.”.

23 (b) Section 921(a) of title 18, United States Code,
24 is amended by redesignating paragraphs (12) through

1 (33) as paragraphs (14) through (35), and by inserting
2 after paragraph (11) the following:

3 “(12) The term ‘firearms dealer’ means any
4 person who is engaged in the business of selling fire-
5 arms at wholesale or retail.

6 “(13) The term ‘gunsmith’ means any person,
7 other than a licensed manufacturer, licensed im-
8 porter, or licensed dealer, who is engaged in the
9 business of repairing firearms or of making or fit-
10 ting special barrels, stocks or trigger mechanisms to
11 firearms.”.

12 (c) Section 923(a)(3) of title 18, United States Code
13 is amended to read as follows:

14 “(3) If the applicant is a dealer who is—

15 “(A) a dealer in destructive devices or am-
16 munition for destructive devices, a fee of \$1,000
17 per year;

18 “(B) a dealer in firearms who is not a
19 dealer in destructive devices, a fee of \$200 for
20 3 years, except that the fee for renewal of a
21 valid license shall be \$90 for 3 years; or

22 “(C) a gunsmith, a fee of \$100 for 3
23 years, except that the fee for renewal of a valid
24 license shall be \$50 for 3 years.”.

1 **SEC. 516. PERMITS AND BACKGROUND CHECKS FOR PUR-**
2 **CHASES OF EXPLOSIVES.**

3 (a) PERMITS FOR PURCHASE OF EXPLOSIVES IN
4 GENERAL.—Section 842 of title 18, United States Code,
5 is amended—

6 (1) by amending subparagraphs (A) and (B) of
7 subsection (a)(3) to read as follows:

8 “(A) to transport, ship, cause to be trans-
9 ported, or receive any explosive materials; or

10 “(B) to distribute explosive materials to
11 any person other than a licensee or permittee.”;
12 and

13 (2) in subsection (b)—

14 (A) by adding “or” at the end of para-
15 graph (1);

16 (B) by striking “; or” at the end of para-
17 graph (2) and inserting a period; and

18 (C) by striking paragraph (3).

19 (b) BACKGROUND CHECKS.—Section 842 of title 18,
20 United States Code, is further amended by adding at the
21 end the following:

22 “(q)(1) A licensed importer, licensed manufacturer,
23 or licensed dealer shall not transfer explosive materials to
24 any other person who is not a licensee under section 843
25 of this title unless—

1 “(A) before the completion of the transfer, the
2 licensee contacts the national instant criminal back-
3 ground check system established under section
4 103(d) of the Brady Handgun Violence Prevention
5 Act;

6 “(B)(i) the system provides the licensee with a
7 unique identification number; or

8 “(ii) 5 business days (meaning a day on which
9 State offices are open) have elapsed since the li-
10 censee contacted the system, and the system has not
11 notified the licensee that the receipt of explosive ma-
12 terials by such other person would violate subsection
13 (i) of this section;

14 “(C) the transferor has verified the identity of
15 the transferee by examining a valid identification
16 document (as defined in section 1038(d)(1) of this
17 title) of the transferee containing a photograph of
18 the transferee; and

19 “(D) the transferor has examined the permit
20 issued to the transferee pursuant to section 843 of
21 this title and recorded the permit number on the
22 record of the transfer.

23 “(2) If receipt of explosive materials would not violate
24 section 842(i) of this title or State law, the system shall—

1 “(A) assign a unique identification number to
2 the transfer; and

3 “(B) provide the licensee with the number.

4 “(3) Paragraph (1) shall not apply to the transfer
5 of explosive materials between a licensee and another per-
6 son if on application of the transferor, the Secretary has
7 certified that compliance with paragraph (1)(A) is imprac-
8 ticable because—

9 “(A) the ratio of the number of law enforce-
10 ment officers of the State in which the transfer is
11 to occur to the number of square miles of land area
12 of the State does not exceed 0.0025;

13 “(B) the business premises of the licensee at
14 which the transfer is to occur are extremely remote
15 in relation to the chief law enforcement officer (as
16 defined in section 922(s)(8)); and

17 “(C) there is an absence of telecommunications
18 facilities in the geographical area in which the busi-
19 ness premises are located.

20 “(4) If the national instant criminal background
21 check system notifies the licensee that the information
22 available to the system does not demonstrate that the re-
23 ceipt of explosive materials by such other person would
24 violate subsection (i) or State law, and the licensee trans-
25 fers explosive materials to such other person, the licensee

1 shall include in the record of the transfer the unique identification number provided by the system with respect to the transfer.

4 “(5) If the licensee knowingly transfers explosive materials to such other person and knowingly fails to comply with paragraph (1) of this subsection with respect to the transfer, the Secretary may, after notice and opportunity for a hearing, suspend for not more than 6 months or revoke any license issued to the licensee under section 843 and may impose on the licensee a civil fine of not more than \$5,000.

12 “(6) Neither a local government nor an employee of the Federal Government or of any State or local government, responsible for providing information to the national instant criminal background check system shall be liable in an action at law for damages—

17 “(A) for failure to prevent the sale or transfer of explosive materials to a person whose receipt or possession of the explosive materials is unlawful under this section; or

21 “(B) for preventing such a sale or transfer to a person who may lawfully receive or possess explosive materials.”.

1 (c) ADMINISTRATIVE PROVISIONS.—Section 103 of
2 the Brady Handgun Violence Prevention Act (18 U.S.C.
3 922 note) is amended—

4 (1) in subsection (f), by inserting “or explosive
5 materials” after “firearm”; and

6 (2) in subsection (g), by inserting “or that re-
7 ceipt of explosive materials by a prospective trans-
8 feree would violate section 842(i) of such title, or
9 State law,” after “State law,”.

10 (d) REMEDY FOR ERRONEOUS DENIAL OF EXPLO-
11 SIVE MATERIALS.—

12 (1) IN GENERAL.—Chapter 40 of title 18,
13 United States Code, is amended by inserting after
14 section 843 the following:

15 **“§ 843A. Remedy for erroneous denial of explosive**
16 **materials**

17 “Any person denied explosive materials pursuant to
18 section 842(q)—

19 “(1) due to the provision of erroneous informa-
20 tion relating to the person by any State or political
21 subdivision thereof, or by the national instant crimi-
22 nal background check system established under sec-
23 tion 103 of the Brady Handgun Violence Prevention
24 Act; or

1 “(2) who was not prohibited from receipt of ex-
 2 plosive materials pursuant to section 842(i),
 3 may bring an action against the State or political subdivi-
 4 sion responsible for providing the erroneous information,
 5 or responsible for denying the transfer, or against the
 6 United States, as the case may be, for an order directing
 7 that the erroneous information be corrected or that the
 8 transfer be approved, as the case may be. In any action
 9 under this section, the court, in its discretion, may allow
 10 the prevailing party a reasonable attorney’s fee as part
 11 of the costs.”.

12 (2) TECHNICAL AMENDMENT.—The section
 13 analysis for chapter 40 of title 18, United States
 14 Code, is amended by inserting after the item relating
 15 to section 843 the following:

“843A. Remedy for erroneous denial of explosive materials.”.

16 (e) REGULATIONS.—

17 (1) IN GENERAL.—Not later than 6 months
 18 after the date of the enactment of this Act, the Sec-
 19 retary of the Treasury shall issue final regulations
 20 with respect to the amendments made by subsection
 21 (a).

22 (2) NOTICE TO STATES.—On the issuance of
 23 regulations pursuant to paragraph (1), the Secretary
 24 of the Treasury shall notify the States of the regula-

1 tions so that the States may consider revising their
2 explosives laws.

3 (f) LICENSES AND USER PERMITS.—Section 843(a)
4 of title 18, United States Code, is amended—

5 (1) by inserting “, including fingerprints and a
6 photograph of the applicant” before the period at
7 the end of the first sentence; and

8 (2) by striking the second sentence and insert-
9 ing, “Each applicant for a license shall pay for each
10 license a fee established by the Secretary that shall
11 not exceed \$300. Each applicant for a permit shall
12 pay for each permit a fee established by the Sec-
13 retary that shall not exceed \$100.”.

14 (g) PENALTIES.—Section 844 of title 18, United
15 States Code, is amended—

16 (1) by redesignating subsection (a) as sub-
17 section (a)(1); and

18 (2) by inserting after subsection (a)(1) the fol-
19 lowing new paragraph:

20 “(2) Any person who violates section 842(q) shall be
21 fined under this title, imprisoned for not more than 5
22 years, or both.”.

23 (h) EFFECTIVE DATE.—The amendments made by
24 subsections (a), (b), (c), (d), and (g) shall take effect 18
25 months after the date of enactment of the Act.

1 **SEC. 517. PERSONS PROHIBITED FROM RECEIVING OR POS-**
2 **SESSING EXPLOSIVES.**

3 (a) DISTRIBUTION OF EXPLOSIVES.—Section 842(d)
4 of title 18, United States Code, is amended—

5 (1) in paragraph (5), by striking “or” at the
6 end;

7 (2) in paragraph (6), by striking the period and
8 inserting “or who has been committed to a mental
9 institution;” and

10 (3) by adding at the end the following:

11 “(7) being an alien—

12 “(A) is illegally or unlawfully in the United
13 States; or

14 “(B) except as provided in subsection
15 (q)(2), has been admitted to the United States
16 under a nonimmigrant visa (as that term is de-
17 fined in section 101(a)(26) of the Immigration
18 and Nationality Act (8 U.S.C. 1101(a)(26)));

19 “(8) has been discharged from the Armed
20 Forces under dishonorable conditions;

21 “(9) having been a citizen of the United States,
22 has renounced his citizenship;

23 “(10) is subject to a court order that—

24 “(A) was issued after a hearing of which
25 such person received actual notice, and at which
26 such person had an opportunity to participate;

1 “(B) restrains such person from harassing,
 2 stalking, or threatening an intimate partner of
 3 such person or child of such intimate partner or
 4 person, or engaging in other conduct that would
 5 place an intimate partner in reasonable fear of
 6 bodily injury to the partner or child; and

7 “(C)(i) includes a finding that such person
 8 represents a credible threat to the physical safe-
 9 ty of such intimate partner or child; or

10 “(ii) by its terms explicitly prohibits the
 11 use, attempted use, or threatened use of phys-
 12 ical force against such intimate partner or child
 13 that would reasonably be expected to cause bod-
 14 ily injury;

15 “(11) has been convicted in any court of a mis-
 16 demeanor crime of domestic violence; or

17 “(12) has been adjudicated delinquent.”.

18 (b) POSSESSION OF EXPLOSIVES.—Section 842(i) of
 19 title 18, United States Code, is amended—

20 (1) in paragraph (3), by striking “or” at the
 21 end; and

22 (2) by adding at the end the following:

23 “(5) who, being an alien—

24 “(A) is illegally or unlawfully in the United
 25 States; or

1 “(B) except as provided in subsection
2 (q)(2), has been admitted to the United States
3 under a non-immigrant visa (as that term is de-
4 fined in section 101(a)(26) of the Immigration
5 and Nationality Act (8 U.S.C. 1101(a)(26)));

6 “(6) who has been discharged from the Armed
7 Forces under dishonorable conditions;

8 “(7) who, having been a citizen of the United
9 States, has renounced his citizenship;

10 “(8) who is subject to a court order that—

11 “(A) was issued after a hearing of which
12 such person received actual notice, and at which
13 such person had an opportunity to participate;

14 “(B) restrains such person from harassing,
15 stalking, or threatening an intimate partner of
16 such person or child of such intimate partner or
17 person, or engaging in other conduct that would
18 place an intimate partner in reasonable fear of
19 bodily injury to the partner or child; and

20 “(C)(i) includes a finding that such person
21 represents a credible threat to the physical safe-
22 ty of such intimate partner or child; or

23 “(ii) by its terms explicitly prohibits the
24 use, attempted use, or threatened use of phys-
25 ical force against such intimate partner or child

1 that would reasonably be expected to cause bod-
2 ily injury;

3 “(9) who has been convicted in any court of a
4 misdemeanor crime of domestic violence; or

5 “(10) who has been adjudicated delinquent.”.

6 (c) DEFINITION.—Section 841 of title 18, United
7 States Code, is amended by adding at the end the fol-
8 lowing:

9 “(r)(1) Except as provided in paragraph (2), ‘mis-
10 demeanor crime of domestic violence’ means an offense
11 that—

12 “(A) is a misdemeanor under Federal or State
13 law; and

14 “(B) has, as an element, the use or attempted
15 use of physical force, or the threatened use of a
16 deadly weapon, committed by a current or former
17 spouse, parent, or guardian of the victim, by a per-
18 son with whom the victim shares a child in common,
19 by a person who is cohabiting with or has cohabited
20 with the victim as a spouse, parent, or guardian, or
21 by a person similarly situated to a spouse, parent,
22 or guardian of the victim.

23 “(2)(A) A person shall not be considered to have been
24 convicted of such an offense for purposes of this chapter,
25 unless—

1 “(i) the person was represented by counsel in
2 the case, or knowingly and intelligently waived the
3 right to counsel in the case; and

4 “(ii) in the case of a prosecution for an offense
5 described in this paragraph for which a person was
6 entitled to a jury trial in the jurisdiction in which
7 the case was tried—

8 “(I) the case was tried by a jury; or

9 “(II) the person knowingly and intel-
10 ligently waived the right to have the case tried
11 by jury, by guilty plea or otherwise.

12 “(B) A person shall not be considered to have been
13 convicted of such an offense for purposes of this chapter
14 if the conviction has been expunged or set aside, or is an
15 offense for which the person has been pardoned or has
16 had civil rights restored (if the law of the applicable juris-
17 diction provides for the loss of civil rights under such an
18 offense) unless the pardon, expungement, or restoration
19 of civil rights expressly provides that the person may not
20 ship, transport, possess, or receive firearms.

21 “(s) ‘Adjudicated delinquent’ means an adjudication
22 of delinquency based upon a finding of the commission of
23 an act by a person prior to his or her eighteenth birthday
24 that, if committed by an adult, would be a serious drug
25 offense or violent felony (as defined in section 3559(c)(2)

1 of this title), on or after the date of enactment of this
2 paragraph.”.

3 (d) ALIENS ADMITTED UNDER NONIMMIGRANT
4 VISAS.—Section 842 is amended by adding at the end the
5 following:

6 “(r)(1) For purposes of this subsection—

7 “(A) the term ‘alien’ has the same meaning as
8 in section 101(a)(3) of the Immigration and Nation-
9 ality Act (8 U.S.C. 1101(a)(3)); and

10 “(B) the term ‘nonimmigrant visa’ has the
11 same meaning as in section 101(a)(26) of the Immi-
12 gration and Nationality Act (8 U.S.C. 1101(a)(26)).

13 “(2) Sections (d)(7)(B) and (i)(5)(B) do not apply
14 to any alien who has been lawfully admitted to the United
15 States under a nonimmigrant visa, if that alien is a for-
16 eign law enforcement officer of a friendly foreign govern-
17 ment entering the United States on official law enforce-
18 ment business.

19 “(3)(A) Any individual who has been admitted to the
20 United States under a nonimmigrant visa may receive a
21 waiver from the requirements of subsection (i)(5)(B), if—

22 “(i) the individual submits to the Attorney Gen-
23 eral a petition that meets the requirements of sub-
24 paragraph (C); and

1 “(ii) the Attorney General approves the peti-
2 tion.

3 “(B) Each petition under subparagraph (B) shall—

4 “(i) demonstrate that the petitioner has resided
5 in the United States for a continuous period of not
6 less than 180 days before the date on which the pe-
7 tition is submitted under this paragraph; and

8 “(ii) include a written statement from the em-
9 bassy or consulate of the petitioner, authorizing the
10 petitioner to acquire explosives and certifying that
11 the alien would not, absent the application of sub-
12 section (i)(5)(B), otherwise be prohibited from such
13 an acquisition under subsection (i).

14 “(C) The Attorney General shall approve a petition
15 submitted in accordance with this paragraph, if the Attor-
16 ney General determines that waiving the requirements of
17 subsection (i)(5)(B) with respect to the petitioner—

18 “(i) would be in the interests of justice; and

19 “(ii) would not jeopardize the public safety.”.

20 (e) CONFORMING AMENDMENT.—Section 845 of title
21 18, United States Code, is amended by adding at the end
22 the following:

23 “(d) Notwithstanding any other provision of this sec-
24 tion, no person convicted of a misdemeanor crime of do-
25 mestic violence may ship or transport any explosive mate-

1 rials in interstate or foreign commerce or to receive or pos-
2 sess any explosive materials which have been shipped or
3 transported in interstate or foreign commerce.”.

4 **TITLE VI—PUNISHING GANG VI-**
5 **OLENCE AND DRUG TRAF-**
6 **FICKING TO MINORS**

7 **SEC. 601. INCREASED MANDATORY MINIMUM PENALTIES**
8 **FOR USING MINORS TO DISTRIBUTE DRUGS.**

9 Section 420 of the Controlled Substances Act (21
10 U.S.C. 861) is amended—

11 (1) in subsection (b), by striking “one year”
12 and inserting “3 years”; and

13 (2) in subsection (c), by striking “one year”
14 and inserting “5 years”.

15 **SEC. 602. INCREASED MANDATORY MINIMUM PENALTIES**
16 **FOR DISTRIBUTING DRUGS TO MINORS.**

17 Section 418 of the Controlled Substances Act (21
18 U.S.C. 859) is amended—

19 (1) in subsection (a), by striking “one year”
20 and inserting “3 years”; and

21 (2) in subsection (b), by striking “one year”
22 and inserting “5 years”.

1 **SEC. 603. INCREASED MANDATORY MINIMUM PENALTIES**
2 **FOR DRUG TRAFFICKING IN OR NEAR A**
3 **SCHOOL OR OTHER PROTECTED LOCATION.**

4 Section 419 of the Controlled Substances Act (21
5 U.S.C. 860) is amended—

6 (1) in subsection (a), by striking “one year”
7 and inserting “3 years”; and

8 (2) in subsection (b), by striking “three years”
9 each place that term appears and inserting “5
10 years”.

11 **SEC. 604. CRIMINAL STREET GANGS.**

12 (a) IN GENERAL.—Section 521 of title 18, United
13 States Code, is amended—

14 (1) in subsection (a), in the second undesig-
15 nated paragraph—

16 (A) by striking “5” and inserting “3”;

17 (B) by inserting “, whether formal or in-
18 formal” after “or more persons”; and

19 (C) in subparagraph (A), by inserting “or
20 activities” after “purposes”;

21 (2) in subsection (b), by inserting after “10
22 years” the following: “and such person shall be sub-
23 ject to the forfeiture prescribed in section 412 of the
24 Controlled Substances Act (21 U.S.C. 853)”;

25 (3) in subsection (c)—

1 (A) in paragraph (2), by striking “and” at
2 the end;

3 (B) in paragraph (3), by striking the pe-
4 riod at the end and inserting a semicolon;

5 (C) by adding at the end the following:

6 “(3) that is a violation of section 522 (relating
7 to the recruitment of persons to participate in crimi-
8 nal gang activity);

9 “(4) that is a violation of section 844, 875, or
10 876 (relating to extortion and threats), section 1084
11 (relating to gambling), section 1955 (relating to
12 gambling), or chapter 73 (relating to obstruction of
13 justice);

14 “(5) that is a violation of section 1956 (relating
15 to money laundering), to the extent that the viola-
16 tion of such section is related to a Federal or State
17 offense involving a controlled substance (as that
18 term is defined in section 102 of the Controlled Sub-
19 stances Act (21 U.S.C. 802)); or

20 “(6) that is a violation of section 274(a)(1)(A),
21 277, or 278 of the Immigration and Nationality Act
22 (8 U.S.C. 1324(a)(1)(A), 1327, or 1328) (relating
23 to alien smuggling); and

1 “(7) a conspiracy, attempt, or solicitation to
2 commit an offense described in paragraphs (1)
3 through (6).”.

4 (b) TECHNICAL AND CONFORMING AMENDMENT.—
5 Section 3663(c)(4) of title 18, United States Code, is
6 amended by striking “chapter 46” and inserting “section
7 521, chapter 46,”.

8 **SEC. 605. INCREASE IN OFFENSE LEVEL FOR PARTICIPA-**
9 **TION IN CRIME AS A GANG MEMBER.**

10 (a) DEFINITION OF CRIMINAL STREET GANG.—In
11 this section, the term “criminal street gang” has the
12 meaning given that term in section 521(a) of title 18,
13 United States Code.

14 (b) AMENDMENT OF SENTENCING GUIDELINES.—

15 (1) IN GENERAL.—Pursuant to its authority
16 under section 994(p) of title 28, United States Code,
17 the United States Sentencing Commission shall
18 amend the Federal Sentencing Guidelines to provide
19 an appropriate enhancement for any Federal offense
20 described in section 521(c) of title 18, United States
21 Code, if the offense was both committed in connec-
22 tion with, or in furtherance of, the activities of a
23 criminal street gang and the defendant was a mem-
24 ber of the criminal street gang at the time of the of-
25 fense.

1 (2) FACTORS TO BE CONSIDERED.—In deter-
 2 mining an appropriate enhancement under this sec-
 3 tion, the United States Sentencing Commission shall
 4 give great weight to the seriousness of the offense,
 5 the offender’s relative position in the criminal gang,
 6 and the risk of death or serious bodily injury to any
 7 person posed by the offense.

8 (c) CONSTRUCTION WITH OTHER GUIDELINES.—
 9 The amendment made by subsection (b) shall provide that
 10 the increase in the offense level shall be in addition to any
 11 other adjustment under chapter 3 of the Federal Sen-
 12 tencing Guidelines.

13 **SEC. 606. INTERSTATE AND FOREIGN TRAVEL OR TRANS-**
 14 **PORTATION IN AID OF CRIMINAL GANGS.**

15 (a) TRAVEL ACT AMENDMENT.—Section 1952 of
 16 title 18, United States Code, is amended to read as fol-
 17 lows:

18 **“§ 1952. Interstate and foreign travel or transpor-**
 19 **tation in aid of racketeering enterprises**

20 “(a) PROHIBITED CONDUCT AND PENALTIES.—

21 “(1) IN GENERAL.—Whoever—

22 “(A) travels in interstate or foreign com-
 23 merce or uses the mail or any facility in inter-
 24 state or foreign commerce, with intent to—

1 “(i) distribute the proceeds of any un-
2 lawful activity; or

3 “(ii) otherwise promote, manage, es-
4 tablish, carry on, or facilitate the pro-
5 motion, management, establishment, or
6 carrying on, of any unlawful activity; and

7 “(B) after travel or use of the mail or any
8 facility in interstate or foreign commerce de-
9 scribed in subparagraph (A), performs, at-
10 tempts to perform, or conspires to perform an
11 act described in clause (i) or (ii) of subpara-
12 graph (A);

13 shall be fined under this title, imprisoned not more
14 than 10 years, or both.

15 “(2) CRIMES OF VIOLENCE.—Whoever—

16 “(A) travels in interstate or foreign com-
17 merce or uses the mail or any facility in inter-
18 state or foreign commerce, with intent to com-
19 mit any crime of violence to further any unlaw-
20 ful activity; and

21 “(B) after travel or use of the mail or any
22 facility in interstate or foreign commerce de-
23 scribed in subparagraph (A), commits, attempts
24 to commit, or conspires to commit any crime of
25 violence to further any unlawful activity;

1 shall be fined under this title, imprisoned for not
2 more than 20 years, or both, and if death results
3 shall be sentenced to death or be imprisoned for any
4 term of years or for life.

5 “(b) DEFINITIONS.—In this section:

6 “(1) CONTROLLED SUBSTANCE.—The term
7 ‘controlled substance’ has the meaning given that
8 term in section 102(6) of the Controlled Substances
9 Act (21 U.S.C. 802(6)).

10 “(2) STATE.—The term ‘State’ means a State
11 of the United States, the District of Columbia, and
12 any commonwealth, territory, or possession of the
13 United States.

14 “(3) UNLAWFUL ACTIVITY.—The term ‘unlaw-
15 ful activity’ means—

16 “(A) any business enterprise involving
17 gambling, liquor on which the Federal excise
18 tax has not been paid, narcotics or controlled
19 substances, or prostitution offenses in violation
20 of the laws of the State in which the offense is
21 committed or of the United States;

22 “(B) extortion, bribery, arson, burglary if
23 the offense involves property valued at not less
24 than \$10,000, assault with a deadly weapon,
25 assault resulting in bodily injury, shooting at an

1 occupied dwelling or motor vehicle, or retaliation
2 against or intimidation of witnesses, victims,
3 jurors, or informants, in violation of the
4 laws of the State in which the offense is committed
5 or of the United States; or

6 “(C) any act that is indictable under section
7 1956 or 1957 of this title or under subchapter
8 II of chapter 53 of title 31.”.

9 (b) AMENDMENT OF SENTENCING GUIDELINES.—

10 (1) IN GENERAL.—Pursuant to its authority
11 under section 994(p) of title 28, United States Code,
12 the United States Sentencing Commission shall
13 amend chapter 2 of the Federal Sentencing Guidelines
14 to provide an appropriate increase in the offense
15 levels for traveling in interstate or foreign
16 commerce in aid of unlawful activity.

17 (2) UNLAWFUL ACTIVITY DEFINED.—In this
18 subsection, the term “unlawful activity” has the
19 meaning given that term in section 1952(b) of title
20 18, United States Code, as amended by this section.

21 (3) SENTENCING ENHANCEMENT FOR RECRUITMENT
22 ACROSS STATE LINES.—Pursuant to its authority
23 under section 994(p) of title 28, United
24 States Code, the United States Sentencing Commission
25 shall amend the Federal Sentencing Guidelines

1 to provide an appropriate enhancement for a person
2 who, in violating section 522 of title 18, United
3 States Code, recruits, solicits, induces, commands, or
4 causes another person residing in another State to
5 be or to remain a member of a criminal street gang,
6 or crosses a State line with the intent to recruit,
7 solicit, induce, command, or cause another person to
8 be or to remain a member of a criminal street gang.

9 **SEC. 607. GANG-RELATED WITNESS INTIMIDATION AND RE-**
10 **TALIATION.**

11 (a) INTERSTATE TRAVEL TO ENGAGE IN WITNESS
12 INTIMIDATION OR OBSTRUCTION OF JUSTICE.—Section
13 1952 of title 18, United States Code, is amended—

14 (1) by redesignating subsections (b) and (c) as
15 subsections (c) and (d), respectively; and

16 (2) by inserting after subsection (a) the fol-
17 lowing:

18 “(b) Whoever travels in interstate or foreign com-
19 merce with intent by bribery, force, intimidation, or
20 threat, directed against any person, to delay or influence
21 the testimony of or prevent from testifying a witness in
22 a State criminal proceeding or by any such means to cause
23 any person to destroy, alter, or conceal a record, docu-
24 ment, or other object, with intent to impair the object’s
25 integrity or availability for use in such a proceeding, and

1 thereafter engages or endeavors to engage in such con-
2 duct, shall be fined under this title or imprisoned not more
3 than 10 years, or both; and if serious bodily injury (as
4 defined in section 1365 of this title) results, shall be so
5 fined or imprisoned for not more than 20 years, or both;
6 and if death results, shall be so fined and imprisoned for
7 any term of years or for life, or both, and may be sen-
8 tenced to death.”.

9 (b) CONSPIRACY PENALTY FOR OBSTRUCTION OF
10 JUSTICE OFFENSES INVOLVING VICTIMS, WITNESSES,
11 AND INFORMANTS.—Section 1512 of title 18, United
12 States Code, is amended by adding at the end the fol-
13 lowing:

14 “(j) Whoever conspires to commit any offense defined
15 in this section or section 1513 of this title shall be subject
16 to the same penalties as those prescribed for the offense
17 the commission of which was the object of the con-
18 spiracy.”.

19 (c) WITNESS RELOCATION SURVEY AND TRAINING
20 PROGRAM.—

21 (1) SURVEY.—The Attorney General shall sur-
22 vey all State and selected local witness protection
23 and relocation programs to determine the extent and
24 nature of such programs and the training needs of
25 those programs. Not later than 270 days after the

1 date of the enactment of this section, the Attorney
2 General shall report the results of this survey to
3 Congress.

4 (2) TRAINING.—Based on the results of such
5 survey, the Attorney General shall make available to
6 State and local law enforcement agencies training to
7 assist those law enforcement agencies in developing
8 and managing witness protection and relocation pro-
9 grams.

10 (3) AUTHORIZATION OF APPROPRIATIONS.—
11 There are authorized to be appropriated to carry out
12 paragraphs (1) and (2) for fiscal year 2000 not to
13 exceed \$500,000.

14 (d) FEDERAL-STATE COORDINATION AND COOPERA-
15 TION REGARDING NOTIFICATION OF INTERSTATE WIT-
16 NESS RELOCATION.—

17 (1) ATTORNEY GENERAL TO PROMOTE INTER-
18 STATE COORDINATION.—The Attorney General shall
19 engage in activities, including the establishment of a
20 model Memorandum of Understanding under para-
21 graph (2), which promote coordination among State
22 and local witness interstate relocation programs.

23 (2) MODEL MEMORANDUM OF UNDER-
24 STANDING.—The Attorney General shall establish a
25 model Memorandum of Understanding for States

1 and localities that engage in interstate witness relo-
2 cation. Such a model Memorandum of Under-
3 standing shall include a requirement that notice be
4 provided to the jurisdiction to which the relocation
5 has been made by the State or local law enforcement
6 agency that relocates a witness to another State who
7 has been arrested for or convicted of a crime of vio-
8 lence as described in section 16 of title 18, United
9 States Code.

10 (3) BYRNE GRANT ASSISTANCE.—The Attorney
11 General is authorized to expend up to 10 percent of
12 the total amount appropriated under section 511 of
13 subpart 2 of part E of the Omnibus Crime Control
14 and Safe Streets Act of 1968 for purposes of mak-
15 ing grants pursuant to section 510 of that Act to
16 those jurisdictions that have interstate witness relo-
17 cation programs and that have substantially followed
18 the model Memorandum of Understanding.

19 (4) GUIDELINES AND DETERMINATION OF ELI-
20 GIBILITY.—The Attorney General shall establish
21 guidelines relating to the implementation of para-
22 graph (4) and shall determine, consistent with such
23 guidelines, which jurisdictions are eligible for grants
24 under paragraph (4).

1 (d) BYRNE GRANTS.—Section 501(b) of the Omnibus
2 Crime Control and Safe Streets Act of 1968 is amended—

3 (1) by striking “and” at the end of paragraph
4 (25);

5 (2) by striking the period at the end paragraph
6 (26) and inserting “; and”; and

7 (3) by adding at the end the following:

8 “(27) developing and maintaining witness secu-
9 rity and relocation programs, including providing
10 training of personnel in the effective management of
11 such programs.”.

12 (e) DEFINITION.—As used in this section, the term
13 “State” includes the District of Columbia, Puerto Rico,
14 and any other commonwealth, territory, or possession of
15 the United States.

